

File, No. 405 of 1947.

Collection No. _____

19 37

A

Mysore Residency

176

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~~Pros.~~
Serial Nos. 1 - 38

S N. 7, 8, 9, 10, 11.

18, 22, 24, 26,

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Page 2

12/12/11

Subject.

ADAPTION TO GENERAL ACTS AFFECTING ADMINISTERED AREAS.

The CIVIL AND MILITARY STATION OF BANGALORE APPLICATION OF LAWS UNDER
1937.

Previous References.

Later References.

RF 116 / 1942

13/2/46

DW
49.1

has 182, 227, 256
256 27, + 556. 7.
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NOTES AND PRECIS.

2.1 5
5. p 54
3

Dy.No. 2843

S.N. 3

Dy.No. 3039

S.N. 4

Before considering the provisions of the proposed notification, a short note is submitted on two preliminary points- the constitutional position of the Civil and Military Station, Bangalore, and the administrative authority in the Station.

1.

1. The Civil and Military Station of Bangalore is not a part of British India. The distinction is as follows:- British India is British territory which is subject to the dominion of His Majesty; (please see definition (7) in section 2 of the General Clauses Act, 1897). The Civil and Military Station of Bangalore is a part of the territory of the Mysore State, over which sovereignty vests in His Highness the Maharaja of Mysore. By a Memorandum of Assignment in 1881 His Highness the Maharaja has assigned the Station to the British Government for exclusive management for the purposes specified in Article 8 of the Treaty (Article 9 of the Instrument of Transfer of 1881) and has renounced the exercise of jurisdiction in the assigned area. His Highness the Maharaja has not, however, renounced his sovereignty over the assigned area. Sovereignty therefore continues to vest in His Highness the Maharaja; and the Civil and Military Station of Bangalore continues to be part of the Mysore State and does not form part of British India. The administration of British India is carried on under the provisions of the Government of India Act; but the administration of the assigned tract of the Civil and Military Station is carried on by the Governor General in Council under the powers delegated to him by the Indian (Foreign Jurisdiction) Order in Council, 1902, issued under the Foreign Jurisdiction Act, 1890 (53 and 54 Victoria Chapter 37)

ii. Under the Government of India Act, 1935, there will be a bifurcation of the functions of the constitutional entity termed the "Governor General in Council", who hitherto exercised

(K)

page 7
(A)

5 put up

powers of superintendence, direction and control of the Civil and Military Government of India under the Government of India Act, and who in respect of "territories of India outside British India" exercised power and jurisdiction as stated above under the Indian (Foreign Jurisdiction) Order in Council, 1902. Hereafter there is to be the Governor General of India appointed by His Majesty by a Commission under the Royal Sign Manual who has all such duties and powers as are conferred or imposed on him by or under the Government of India Act, and there is to be His Majesty's Representative for the exercise of the functions of the Crown in its relation with Indian States, who has such powers and duties in exercise of these functions (not being powers and duties conferred or imposed on the Governor General under the Government of India Act) as His Majesty may be pleased to assign to him. Under section 3 (3) of the Government of India Act, it shall be lawful for His Majesty to appoint one person to fill both these offices. The letter of the Government of India under reference relates to the consequential changes under the new Indian (Foreign Jurisdiction) Order in Council, 1937, in respect of laws applied to the Civil and Military Station of Bangalore.

5

End to Page

The plan that is proposed to be adopted has been set out at correspondence pages 7 and 8. All Notifications hitherto passed have been divided into 2 classes--(i) notifications which apply to the Station specified British Indian enactments, and (ii) all other notifications, and examples of these latter are notifications creating Courts, conferring powers on Courts, appointing Justices of the Peace, making local laws like the Bangalore Municipal Law, the Bangalore Police Law, the Bangalore House Accommodation Law, or framing rules under the laws in force. Class (i) has been revised in detail and set out in extenso ^{at} in pages 15 ^h et seq, and as regards class (ii) it is proposed to rely on a general notification in terms set out in pages 7 and 8

✓ please see page 9
enclosure to P.C.

✓ page 3 of (A)

From the Acts now in force in the Station three Acts are proposed to be omitted--the State Prisoners Act, 1858, the Khots Leases Act, 1865, and the Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868.

(a) The State Prisoners Act, 1858. Please see item No. 6 A in the Notification of 1929. Section 5 of the British Indian Act reads thus:- "The Governor-General in Council may order the removal of any State prisoner, confined under the provisions of any of the said Regulations as amended and extended by this Act, from any fortress, jail or place in which he may be confined within either of the said presidencies, to any other fortress, jail or place of confinement within the territories under the Government of India". This confers power on the Governor-General in Council to order the removal of a State prisoner from one jail in British India to another jail in British India. The application of this Act to the Station rendered the reception of State prisoners legal; but in the absence of a legal provision sanctioning removal of such prisoner to a jail outside British India, the provision for a legal and proper reception would be a dead letter. Further the Station itself has no jail of its own for confining prisoners. By a special arrangement with the Government of Mysore, which was sanctioned by the Government of India, prisoners of the Station sentenced to imprisonment for a period of one year and under are confined in the State Jail, Bangalore, and the rest are transferred to Vellore. There seems to be no point in applying the Act by reason also of the absence of a jail in the Station, and it may therefore be omitted.

✓ S.N. 6 A

(H) F 353-1885

(b) The Khots Leases Act, 1865, and the Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868. These 2 Acts and the rules framed thereunder were in force in Mysore. On its rendition and the assignment of the Station to the British Government, they were kept in force in the latter area. The Acts are not available for reference. The provisions of the Khots Leases Act, 1865, were extended to certain villages in the Station in 1905. It appears it may be necessary

✓ file not put up

✓ S.N. 31 and 33

(B) F 572-1899

to invite Collector's views regarding the omission of these two Acts. Pending a final recommendation from this Residency in this behalf, if approved, the Government of India may be requested to allow these Acts to stand for the present.

7

The Notification itself appears to call for the following general comments:-

(i) At the end of clause (ii) in para 2 the words used are "Resident for Mysore". The phraseology hitherto current in all notifications has been "Resident in Mysore". The latter appears to be suitable.

(ii) The practice of applying British Indian Acts to the Station has been as follows:- In pursuance of the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council under a comprehensive notification in 1929 which superseded the Notification of 1917, reapplied over a hundred British Indian Acts to the Station. Those of the Acts passed in British India subsequent to 1929 which were considered necessary to be extended to the Station were applied by Notifications purporting to amend the comprehensive Notification of 1929. For illustration, please see the application in 1934 of the Indian States (Protection) Act, 1934, (Act XI of 1934). Now any amendments made to the Acts in force in British India got themselves automatically incorporated into the Acts as applied to the Station by virtue of a general enabling provision in the main notification extending the Acts, which laid down that the Acts so applied would be "subject to any amendments to which the enactments are for the time being subject in British India". For this reason amendments made in British India to Acts like the Code of Civil Procedure or the Transfer of Property Act were not specifically and by separate notifications incorporated into these Acts as applied to the Station. A similar provision has not been embodied in the Notification under consideration. The result would be that if and when amendments are incorporated in the British Indian Acts by the concerned competent legislature, and if it should be considered necessary that the identical Acts as applied to the Station should be subject to the

page 1 of (A)

(E)

end of para 1 at
page 2 of (A)

the same amendments, fresh notifications to this end under the Indian (Foreign Jurisdiction) Order in Council would have to be issued by the Crown Representative. The inclusion of ^a ~~the~~ provision in the present notification on the lines of the one in the notification of 1929 would save this multiplicity of notifications.

(iii) In the schedule to the notification of 1929, the description of the British Indian Acts at the head is "Acts of the Governor General in Council" up to 1920, and "Acts of the Indian Legislature" from 1921 onwards, and similarly in respect of the Madras Acts, "Acts of the Governor of Madras in Council" and "Acts of the Madras Legislative Council" respectively. This distinction is maintained also in the "Chronological Tables and Index of the Indian Statutes" compiled under the orders of the Government of India in 1931. The schedule to the present notification, on the other hand, starts off with "Acts of the Central Legislature" after citing the only Act of Parliament. This does not appear to be correct. It was only after the introduction of the Act of 1919 that the Indian Legislature as such derived the power of making laws, and the Acts passed prior to that were only Acts of the Governor General in Council. Please see Section 65(1) of the Government of India Act, 1919. It appears it would be correct to adopt the classification in the schedule to the present notification also, if the Acts should be described at all at the beginning. If this view is accepted, Clause (b) of para. 4 of the notification will have to be suitably altered.

(iv) Para. 8 of the notification appears to need an alteration. It is provided that on the commencement of this Order, the comprehensive notification of 1929 ceases to have effect. It appears the words "and all notifications amending the same" may be omitted. When a main Act is repealed, it does not seem to be necessary to provide specifically that the Act as also all the subsequent

(Not put up)

• put up

amendments thereto are repealed. The provisions embodied in the amendments become a part of the Act, and the repeal of the Act automatically repeals the amendments. In the same way, the provisions contained in all the notifications amending the notification of 1929 have become a part of the latter, and it is submitted that the direction that along with the notification of 1929, the amending notifications also shall cease to have effect appears to be at least redundant if not misleading.

Of the particular notifications referred to under the asterisk mark, Nos. 1 and 3 relate to the application to the Station of the Public Safety Ordinance, 1929, and the Italian Loans and Credits Prohibition Ordinance, 1935, respectively. In cases of emergency, Ordinances could be promulgated by the Governor General in British India under Section 72 of the Act of 1919, and they remained in force for the space of not more than six months. The identical British Indian Ordinances having been extended to the Station, they spent themselves out and ipso facto ceased to be in force at the end of the statutory life of 6 months. Please see para. 5 of notes in File No. 198 of 36. It is submitted therefore that it does not appear to be necessary to specifically direct that these Ordinances shall cease to be in force with effect from the 1st April, as though they are in force at present.

The second notification relates to the application to the Station of the Indian Census Act, 1929 (Act X of 1929). The pre-amble to the Act runs thus:- "Whereas it has been determined to take a census of British India during the year 1931, and it is expedient to provide for certain matters in connection with the taking of such census " In as much as this was only a temporary Act enacted for a restricted purpose and a limited time, it was not incorporated in the 1929 notification. This Act may be 'repealed'.

(v) All the issues (Part I) of the Gazette of India after

* S.N 2
F199-29

* * S.N 2
Cw p 5
F 198-36

• (S)

§ S.N 49
F.501-400

(M)

" (E)
+ page 9 of (A)

S

the notification of 1929 up-to-date^{were} looked into for the purpose of ensuring that no Acts extended to the Station were left out. In the schedule to the present notification, the Indian States(Protection) Act, 1934 (XI. of 1934) has inadvertently been omitted by the Government of India. Please see Extract from the Gazette of India dated December 15, 1934 and item No. 103.G. in the notification of 1929.

A detailed critical examination of the Acts numbering over 120 could not be carried out within this brief period. If approved, the Government of India may be informed that the schedule (which apparently has been prepared by the legal experts of the Government of India) may stand for the present, and that the results of a detailed examination would follow. After the draft issues, it is for orders whether the file may be sent to the Government Pleader for comments.

AS Rao
27-3-37 \

(from para 3)

Secretary.

prisoners act.

- 9 ✓ The point is that the application of the act to the C+M Station loses its meaning by the repeal of Sec. 2. under the Adaptation Order. The main intention of the act as applied to Bangalore was to make it possible to detain persons in the Station under the provisions of the 3 Provincial State Prisoners' Regulations. The Govt. of India suggest in substitution the application of the Bengal Regulation only (with suitable modifications), as being sufficiently comprehensive. This Regulation is sufficient, and can be adapted. There is no hurry: being without this Regulation for a few months will not matter. Presumably Govt. of India will send a draft: we will suggest this to them.

There is no trouble about Sec. 5 of the State Prisoners Act: we have'n't got a jail & don't want prisoners from other parts of India.

10

Secretary has verbally directed that this need not be done.

[after this schedule has been dealt with, we should examine the Vellore arrangement in the light of the new constitutional changes].

Ag. Rm.
7

- ✓ 11 KRots leases Act. as proposed.

- ✓ 12 Bombay City Surveys etc. If an act applied to this Station is amended in Br. India, the amendments automatically apply here, under the 1929 notification. I am not clear whether if such an act is repealed in

British India, it still applies here. I understand from office that it does. In that case, this Act must still apply here. Action as proposed.

13 Office note. Para 7.

✓ (1). Under 60 I ~~estimated~~ ^{estimated} F&P Dept. notification no 144 - Fed of 4.3.1937, para 4, it has been clearly stated that the designation remains as 'Resident in Mysore'.

(2). It may be an intentional omission that amendments to Br. Indian Acts are not to apply automatically.

We can ask what the intention is. Do we want to be bound in the future by all amendments passed by the Madras legislature to Madras Acts applied to this station?

✓ (3). We may point this out.

✓ (4). The point is not important: but it may be remarked on. We can suggest the omission of the 3 notifications specified under the asterisk, & leave the words "and all notifications amending the same" They do no harm

14 Draft Telegram must be issued today. Resident ~~should~~
The file should be submitted to the Resident after issue.

Fraser & Neave.

29.3.37.

S. N. (5) issue.

15

Submitted with reference to para 14.

As Recd
29.3.37

(para 15)

Resident

(after the Easter
holidays)

16 I am much obliged to Secretary for dealing with this case & dealing with it so promptly.

17 I have studied the notes & think that the telegram issued deals with the case adequately.

18 The action indicated in para 10 of notes should be taken early. In the event of retrocession the proposals are, I think, writing for memory, that

(a) only prisoners who are European British Subjects should be confined in Vellore or other madras jails

(b) the arrangement, provided for in a Foreign Dept. Notification of 1910, whereby prisoners who are Europeans (other than European British Subjects) or Europeans or Anglo-Indians, sentenced to terms of imprisonment exceeding one month, may, if the Resident considers it advisable, be confined in Vellore or other jail in Madras, should be continued.

It will have to be considered how the arrangement mentioned in (b) can be continued - in a modified form if necessary - after retrocession; also that indicated at (a).

19 Paras 6, 11 & 12 of notes. I am not sure what the position is here when an approved Act ceases to be in force in Bt. We shall have to make sure about this. In any case the Collector should be consulted early as suggested in para 6.

20 ~~Para~~ Para 8. Sending the file to the Govt. Pleader will involve much delay I think the detailed examination will have to be made by office who are capable of doing it, the Govt.

Is the instance
will decision be
with Resident or
another authority?

Please being consulted in regard to
any doubtful points.

U
4/4/37.

S/E
R
5/4/37.

21 Draft to the Collector is submitted for approval with
reference to para 19. The points raised in the notes will
be examined after the draft issues and a note submitted.

AS Rao
9-4-37

H. Rameshwar
15/4/37. (para 21)

Secretary.
—

S. N. (6) issue.
—

28 Draft to the Crown Representative is submitted for approval.

Asst
13.7.37

(para 28)

Secretary.

29 Returned for alteration.

Phulgar

15/7/37.

P.U.C
Cor. p. 97

Dy.No. 6692

S.N. 19

(A)

* page 9

+ (E)

* C. p. 58

30 The Government of India have scrapped two Acts from the Statute Book without consulting the local administration concerned. The Notification of 1929, which superseded all previous notifications, had applied to the Station the two Acts under reference. The Notification of 1937, which again superseded previous notifications, has omitted them. The legal effect is that the 2 Acts are not now in force in the Station. Apparently the Collector feels the need for invoking their provisions. The answer to his query whether these Acts may continue to be followed until the application of the Bombay Land Revenue Code should, however, perforce be in the negative. But it would be an anomaly which was not contemplated by any-body, much less by the Government of India. Please see para 6(b) of notes and para 2 of S.N.5. The retention of the Acts has already been urged. It is not known in what form and manner exactly the Acts come into play. If Collector can manage to do without invoking their provisions for some little time, it would be well; but if action is imperative, perhaps he may act on the footing that the Acts are in force. If such action is likely to be seriously challenged in a Court of Law, we may address the Crown Representative to validate and regularise it. ~~the~~ But it is ^{not} likely to be questioned, and the whole thing may go un-noticed. If approved, the file may be sent u/o. to

Collector. For orders.

AS Rao
16.7.37

(para 30)

Secretary. 31 ~~§~~ For the present 2 Acts may be retained if Govt of India agree. (no mention necessary in the draft, as we have already asked.). Tell Coll. that C.R. has been addressed already.

Praveen
11/7/37.

32

Draft is submitted with reference to para 30.

AS Rao
18.7.37

Praveen
19/7/37.

(para 32)

Secretary.

S. N. (20) issue.

33

Altered and resubmitted with reference to para 29.

AS Rao
19.7.37

32

Issue. Very many thanks.

Praveen

(para 33)

21/7/37.

Secretary.

S. N. 21. Issue.

Praveen

P 4.c
Cor p. 104

Dy.No. 7619

S.N. 22

page 58

35

The Crown Representative has already been addressed regarding the retention of the two Bombay Acts. No action is necessary. May be filed.

36

Draft to F.A. regarding the substitution of the Indian Paper Currency Act by the Reserve Bank of India Act in the Bangalore (Adaptation of Laws) Order, is submitted for approval, as verbally directed.

AS Rao
30.7.37

Amulya
31/7/37

(from para 35)

Secretary.

S.N.(13) issued.

P 4.c
Cor p. 106

Dy.No. 7650

S.N. 24

37

Para 2 appears to ask for information and draft notifications only in case these two Acts have not been separately applied. The 2 Acts have been extended to the Station. Please see items No.41 and No.50. It is for consideration whether the Political Department must be informed that the 2 Acts have been reapplied to the Station, and hence there is no objection to the issue of the proposed notification. Draft is for consideration.

AS Rao
5.8.37

Amulya

3/8/37

(para 37)

Secretary.

S.N.(25) issued.

38

Please see para 36 of notes. No action appears to be necessary. May be filed.

Revised.

27/8/37. (para 38)

Rs. Rs.

25.8.37

Sac. Favy.

P.u.c

Comp III

39

© = Cor. pp 10 + 11

Dy.No. 8758.

S.N. 27.

Please see the comments of the Government of India regarding the extension of these Acts in their first letter forwarding the draft of the comprehensive notification.

40

The Collector, to whom the question had been referred for remarks, says he is unable to offer an opinion until he is in possession of a copy of the Bombay Land Revenue Code. In the meantime he recommends that the two Acts be followed

Cor. page 104 - Please see S.N. 22.

41

It is clear that at least a part of the Khots Leases Act, 1865, is extant in British India. As it is quite competent for the Crown Representative to extend to the Station under the Foreign Jurisdiction Order in Council any enactment, it should be possible for him to extend more provisions of an Act than are in force in British India, and it appears the preamble and the specific sections 1 to 49 may properly be extended in spite of the provisions of para 4(b) of the present notification, and in spite of the existence of only sections 37 and 38 of the Act on the British Indian Statute Book. Para 3 of the notification provides that the Acts will be subject to the modifications and restrictions specified in the 2nd column, and it appears an

8 please see the form
which this Act
was extended in
1929 - page 97 (A)

(E)

Act or any part thereof may be extended in any form.

* page " 7 © 42

It is said that the Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868, is not in force in Bombay. It is not known how this Act is being practically applied or worked in the Station, and in what form its provisions are invoked. The question is ^{whether} ~~whether~~ it is really indispensable. Perhaps the better course would be to recommend to the Central Government the extension of the preamble and sections 1 to 49 of the former Act only, until proposals are sent to them to extend a more recent enactment, and confirm their presumption that the 2nd Act need not be applied. But if the 2nd Act is absolutely necessary perhaps there would be no legal objection to extend an Act which is extinct in British India, if in the 2nd column of the schedule a modification is inserted that that Act as originally passed in British India without being subject to any subsequent amendment will apply to the Station. But doubtless the better course appears to be to omit an Act which is extinct in British India. If approved, Collector may be requested u/o. ^{to kindly furnish} ~~for~~ very early remarks. Interim reply to the Political Department is submitted for approval

ASRau
31.8.37

Handwritten signature
49/37

(from para 39)

Secretary.

S. N. (28), Issue.



The Collector, C. & M. Station, Bangalore.

1/a No. F. 205-37/R.O. I, dated 4th September '37

43

I agree generally with the Resident's Office note. It is essential for us to have legal provision for Revenue recovery and until such time as we can obtain and examine

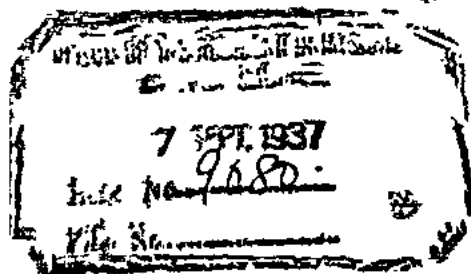
examine the Bombay Act of 1879 and possibly also any other suitable enactment we must continue with what has served us in the past viz: Act I of 1865.

44. We will also examine the question of a substitute for Bombay Act IV of 1868, but in the meantime we can do without it and it may therefore be omitted from the schedule.

Amw 2537

The Secretary to the Resident, C.& M. Station,
Bangalore.

No.3585-D-37 dated 7-9-37.



[Handwritten initials]
7/9/37

45

Please see from para 39 of these notes.

46

Cor p " (C)

* (E)

The Khots Leases Act is in force in British India, although in a very attenuated form, only sections 37 and 38 being in existence. Para 3 of the Notification says that the enactments mentioned in the schedule apply to the Station subject to the modifications and restrictions specified in the second column and to the provisions of the Order. The effect of para 4(b) appears to be that when the extent of an Act is not specifically mentioned, that Act will apply as amended before 1st April. But as the Crown Representative can modify or restrict an Act while applying it to the Station, it appears the Khots Leases Act as in force in Bombay (viz. sections 37 and 38) only) can be modified in its applicability to the Station, and the preamble and sections 1 to 49 can be applied.

47

Draft is submitted for approval.

As Rao 18. Issue. We need not say too much.
9.9.37

Ambrar. (from para 45)

10/9/37.

Secretary.

Asst

S. N (29) issue

Page
144
49

Dy.No. 9710

S.N. 30

Please see paras 41 and 46 of notes.

(E)

(A)

Attention is invited to paragraph 3 of the Notification of 1st April extending enactments mentioned in the first column subject to the modifications and restrictions specified in the second column. The suggestion was made earlier in these notes that the Khots Leases Act may be included in the main notification itself, because the Government of India had approved of this and had adopted this course when issuing the 1929 notification. The Political Department now observe that in spite of the further modification and restriction in column 2 of the 1929 notification that "only the preamble and sections 1 to 49 shall apply", only sections 37 and 38 of the Act were applicable to the Station. This is a highly arguable point. If the name of the Act had been inserted in the first column, and column 2 containing further modifications and restrictions had been left blank, (as for instance item No.95 in the 1937 notification) the Act would have applied subject to any amendments to which the enactments are for the time being subject in British India, and only sections 37 and 38 would have been applicable. But in 1929 when admittedly only sections 37 and 38 were in force in British India, the preamble and further sections 1 to 49 were specifically and avowedly applied; and it does appear it was quite competent for the Governor General to ~~have done~~^{do so} under the Foreign Jurisdiction Order in Council. The Political Department now suggest a separate notification applying the preamble and sections 1 to 49 of the Act, as originally enacted, with such immediate modifications as may be necessary. If approved, the file may be sent u/o. to the Collector, ^{Collector} and may be requested to send at an early date the draft of a notification making such modifications in the Act as may be necessary.



Secretary

AS Rao
1-11-37

Prabhu

21/11/37

(flow. p. 47)

The Collector, C. & M. Station, Bangalore.

File No. F-205-371 R.O.T. dated 5th October 1937

51

"I agree with the Residency Office note that the preamble and sections 1 to 49 of the Khots Leases Act, 1865 (Act I of 1865) were applicable to the station. As the entire Act is likely to be replaced when an other suitable enactment is found, I recommend the application of the preamble and sections 1 to 44 and 46 to 49 of the Act as originally enacted without any modification. Section 45 was formerly ~~been~~ repealed by Act IV of 1868 (now repealed) and has been omitted from the draft notification sent herewith."

William
12.10.37

DESPATCHED
12 OCT 1937

The Secretary to the Resident
U/O No. 4000-D-37 27/2-10-37.
Enc. 4.

13/10
13.10.37

OFFICE OF THE RESIDENT IN KASHMIR
Baramulla
13 OCT 1937
File No. 10256
File No.

52

at the bottom of the file

(E)

per.

As observed by Collector in para 51, the entire Khots Leases Act is to be replaced when another suitable enactment is found. The draft notification forwarded by him, however, seeks to amend the comprehensive Notification of April 1st extending Acts to the Station, by the inclusion of the Khots Leases Act therein. What the Political Department require, on the other hand, is a separate draft notification applying to the Station for the time being the pre-ambles and sections 1 to 49 of the Act with such immediate modifications as may be necessary. The Act itself is an antiquated

antiquated local enactment of the Bombay Presidency and numerous changes have to be effected therein in order that it may suit the conditions of the Station.

53
(A)

It appears the separate notification may be framed on the lines of the 1929 Notification extending Acts to the Station. Section 37 is obviously unworkable in the Station, but in accordance with the plan adopted in respect of the Acts extended to the Station, this may be retained. The same may be said of the last portion of section 1.

AS Rao
25.11.37

Done (from para 49)

For K. S. Rao
29/11/37

Secretary.

S. N. (31) Issue

Dy. No. 12029

S. N. 32

54

Copy of the Act is available only with the Collector, and the same Officer had furnished to this Residency a copy for examination. ^{Two copies} ~~Copies~~ may be called for from Collector, one for transmission to the Political Department and the other for retention in this Office. Draft is submitted for approval.

AS Rao
27.11.37

R
8/12

(para 54)

S. No. 33 Issue.

AS Rao
10-1-38

CORRESPONDENCE.

1482

Asst. Secy. to Govt. of India
S. N. I
Refer. 25/9/36
No. D. 507 Fed/36.

OFFICE OF THE RESIDENT IN MYSORE.
BRITISH LEGATION.
22 OCT. 1936
Recd No. 2336.
File No.

From

The Under Secretary to the Government of India
in the Foreign and Political Department,

ASR
18/9.

To

- The Chief Secretary to the Government of Bengal,
- The Chief Secretary to the Government of Bombay,
- The Chief Secretary to the Government of the United Political and Reforms Department Provinces.
- The Chief Secretary to the Government of the Punjab.
- The Chief Secretary to the Government of Assam.
- The Hon'ble the Resident at Hyderabad.
- The Hon'ble the Resident in Mysore.
- The Hon'ble the A.G.G. in Central India.
- The Hon'ble the A.G.G. in Rajputana.
- The Hon'ble the A.G.G., Punjab States.
- The Hon'ble the A.G.G. in the States of Western India.
- The A.G.G., Madras States.
- The A.G.G. for the Deccan States and Resident at Kolhapur
- The A.G.G., Eastern States.
- The Resident in Kashmir.
- The Resident at Gwalior.
- The A.G.G. for the Gujarat States and Resident at Baroda.

Dated Simla, the 18/9 September 1936.

Sir,

I am directed to inform you that owing to the separation of the offices of His Majesty's Representative for the exercise of the functions of the Crown in his relations with Indian States (Crown Representative) and the Governor General for India as from April 1st, 1937, it has been found necessary to prepare a new Foreign Jurisdiction Order in Council to define the powers of the Crown Representative and the Governor General respectively in relation to areas outside British India. All Acts applied or courts created or powers given to courts by the Governor General in Council under the previous Foreign Jurisdiction Order in Council will require to be applied or created or given by the Crown Representative under the Foreign Jurisdiction Order in Council 1936 in so far as they concern Indian

States. It will therefore be necessary for the Crown Representative to issue fresh notifications in place of all previous notifications issued by the Governor General in Council. The general form of such notifications will be

"In exercise of the powers conferred by the Foreign Jurisdiction Order in Council 1936 and of all other powers enabling him in that behalf and in supersession of all previous notifications the Crown Representative is pleased etc."

2. It will not be possible to prepare all notifications for reissue until the adaptations now being applied to the Acts of the Indian Legislatures are completed, since it will be necessary to examine the adaptations to the Acts which affect Administered Areas and British subjects in Indian States before they can be applied. It is considered, however, that an examination of the present notifications creating courts and giving powers to courts and of the notifications applicable to areas already retroceded or about to be retroceded could usefully be undertaken. I am to request, therefore that, if His Excellency the Governor sees no objection if you see no objection, the local Government will kindly arrange for this examination and for such revision as may be possible on the lines indicated above.

3. It is hoped to issue the adaptations and modifications to the Acts affecting the Administered Areas or British subjects in Indian States for examination by the local Govt. your examination

----- at the end of October after which the preparation of the notifications applying such Acts and orders under the Acts will be taken in hand.

I have the honour to be,
Sir,
Your most obedient servant,

B. Naitay.

Under Secretary to the Government of India.

x In view of
S.N. 2 no
action is
necessary
for the present
-x-

No.D.57-MT/36.

From

The Under Secretary to the Government of India
in the Foreign and Political Department,

To

The Chief Secretary to the Government of Bengal.
" " " Bombay, P. & R. Dept.
" " " the United
" " " Provinces.
" " " the Punjab,
" " " Assam.
" " " the North-West
" " " Frontier
" " " Province..

The Hon'ble the Resident at Hyderabad.

The " " in Mysore.

" the A.G.G. in Central India.

" " in Rajputana.

" " and C.C. in Baluchistan.

" " in the States of Western India.

" " , Punjab States.

The A.G.G. for the Gujarat States and Resident at Baroda

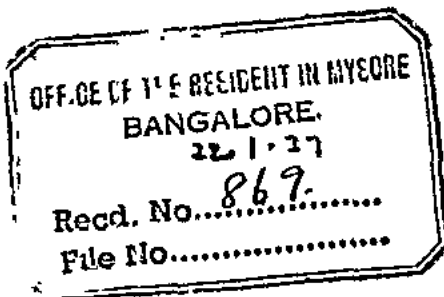
" , Madras States,

" for the Deccan States and Resident at
Kolhapore.

" , Eastern States.

The Resident in Kashmir.

" at Gwalior and Political Agent for the
States of Ramour and Benares.



N.F. Dated New Delhi, the 18th January 1937.

Adaptations to Central Acts
affecting the Administered
Areas and British subjects in
Indian States.
.....

Sir,

(I am directed to refer to paragraph 3 of the letter

to) Not to
N.Y.F.P. from the Government of India in the Foreign and Political
&
Baluchistan Department No.D.607-Fed./36, dated the 18th September 1936.)

2. It was originally intended that the final adaptations
to Central and Provincial Acts should be sent to all Local
Governments and Administrations concerned for them to prepare
the amendments and modifications required owing to the necessity
for the reissue by the Crown Representative of all notifications
giving powers to courts in Indian States or Administered Areas

or applying Central and Provincial Acts or local laws to such areas. It has however now been decided that the necessary work of adaptation shall, in the first place, be carried out by the Officer on Special Duty in the Reforms Office, who will examine the present Notifications and prepare the adaptations he considers necessary. The results will then be forwarded to the Local Governments and Administrations concerned for their comments. It is hoped in this way to conclude the work required at an early date. I am to request you kindly to see that on receipt of the adaptations from the Officer on Special Duty every effort is made to forward replies at as early a date as possible.

I have the honour to be,

Sir,

Your most obedient servant,



for Under Secretary to the Government of India,

S. N. 3

CONFIDENTIAL.

J.C. 17/3

15

Secy

No.D. 799-Fed. I/37.

W.C.F.

16/3
17/3

From

The Under Secretary to the Government of India
in the Foreign and Political Department,

To

The Hon'ble the Resident in Mysore.

Dated New Delhi, the 10th March 1937.

Modifications in the enactments applying to
administered areas consequent on the commence-
ment of Part III of the Government of India
Act, 1935.

Sir,

I am directed to state that, in pursuance of the
adaptation of Indian Laws which has been made for the
purpose of the introduction of the Government of India
Act, 1935, it will be necessary to issue on the 1st April
1937, under the new Indian (Foreign Jurisdiction) Order
in Council, 1937, (a copy of which will be sent as soon as
it has been published) a notification making amendments
in these laws as applied to the administered areas in
Mysore. I am accordingly to enclose a draft of this
notification and of notes relating thereto, together with
a copy of the draft Government of India (Adaptation of
India Laws) Order, 1937, and to request that the Govern-
ment of India may be favoured with your observations on
the draft notification. I am to add that, in view of
the urgency of the matter, it is proposed to issue the
notification on the 1st April 1937, subject to any
comments which you may be able to communicate by telegram

and/

///

As Recd
17/3

2057.

- 2 -

and to which consideration can be given before that date.

I have the honour to be,

Sir,

Your most obedient servant,

B. Hailu.

Under Secretary to the Government of India.

Revision of British Enactments in force in Indian States.

The plan that we propose to adopt for the revision of Macpherson's Volumes is as follows:

- (1) Notifications which apply to Administered Areas specified enactments will be revised in detail, having regard to the modifications made in the enactments by the Adaptation of Indian Laws Order, the draft of which has now been laid before Parliament.
- (2) For the rest we shall, for the present, rely upon a general notification to be issued by the Crown Representative on the following lines:-

"In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States (hereinafter referred to as the Crown Representative) is pleased to order, and it is hereby ordered, as follows: ,

1. Save as otherwise expressly provided in any other Order of the Crown Representative, every instrument, that is to say, every notification, Order, by-law, rule, regulation, process or direction, made or issued in the exercise of any powers conferred by or under the Indian (Foreign Jurisdiction) Order in Council, 1902, or having effect as if so made or issued, is hereby confirmed, and shall have effect as if made or issued, by the Crown Representative in so far as it was made or issued in connection with the exercise of the functions of the Crown in its relations with Indian States, and every person authorised to exercise any functions by or under any such instrument is hereby authorised to continue to exercise those functions:

Provided that references in any such instrument to the Governor General or the Governor General in Council or the/

the Government of India shall, as respects anything done or to be done after the commencement of this Order, be construed as references to the Crown Representative:

Provided further that any Court may construe the provisions of any such instrument with such other modifications, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

2. Nothing in this Order shall affect the operation of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937.

3. This Order shall come into operation on the first day of April, 1937."

2. We send herewith our draft proposals so far as Volume V is concerned.

Revision of British Enactments in force in Indian States, Volume VI.

In accordance with our general plan, the notifications applying certain enactments to the Civil and Military Station of Bangalore have been revised in detail and a draft notification to be issued under the new Indian (Foreign Jurisdiction) Order in Council by the Crown Representative is placed below. The other notifications and orders reproduced in this Volume appear to be covered by the proposed general notification.

2. In revising the notifications mentioned above, the obsolete Acts, Parsi Marriage and Divorce Act, 1865, the Indian Petroleum Act, 1899, the Indian Factories Act, 1911, the Indian Aircraft Act, 1911, and the Indian Paper Currency Act, 1923, have been replaced by the corresponding new Acts. Three enactments have been omitted from the Schedule for the reasons given below.

Item No. 6A

(A)

in the Notification
5, 1929

(1) The State Prisoners Act, 1858. The effect of the modifications and restrictions, subject to which this Act has been applied, is to declare

(a) that the Bengal Regulation III of 1818, Madras Regulation II of 1819 and Bombay Regulation XXV of 1827 are all in force in Bangalore subject to the general rule of construction given in the body of the notification, and

(b) that the Governor General in Council has power to order the reception and confinement in a jail in Bangalore of any State Prisoner from British India.

Section 2 of the Act, which was utilised to achieve the first/

first object, has been repealed by the Adaptation Order, and it is, therefore, for consideration whether the Bengal Regulation, which is sufficiently comprehensive, should be applied to the Civil and Military Station of Bangalore with suitable modifications. It would, of course, be unnecessary to apply also the Madras and Bombay Regulations at the same time.

A. The application of section 5 of the State Prisoners Act, 1858, in a modified form to the Administered Area, providing for the reception and confinement in that area of State prisoners from British India raises the question whether the Governor General in Council has at present the legal authority to transfer State prisoners to a jail outside ^{British} India. Section 5, as it stands, gives him power to transfer a State prisoner from one jail in British India to another jail in British India. Neither the Regulations nor the provisions of the Prisoners Act, 1900, give any British Indian authority power to transfer a prisoner to a prison outside British India. In the absence of a provision similar to subsection (4) of section 30 of the Prisoners Act, 1900 (which applies to lunatic prisoners), the Central Government appears to have no power to order the removal of State prisoners to a jail in the territories of an Indian State and consequently, there is no point in the Crown Representative assuming legal power to receive such prisoners in an administered area.

The State Prisoners Act, 1858, has, therefore, been omitted, provisionally, from the Schedule.

When No. 1 in the Bombay (ii) The Khots Leases Act, 1865. (Bombay Act I
(A) Acts in the Act - of 1865). The preamble and sections 1 to 49 have been
placed (at the end) applied but in common with other enactments applied this
is subject to any amendments to which the Act is for the
time being subject in British India. The only sections,
now/

now extant in Bombay and presumably in British India are sections 37 and 38. The rest of the Act including the preamble having been repealed by Bombay Act V of 1879 -- see Bombay Code, Fourth Edition, Vol. II, pages 70 and 71 -- it is not clear whether the preamble and sections 1 to 49 of the Act of 1865 as passed should be applied and if so, what would be the necessary modifications. It may be possible, if at all necessary, to apply a more recent enactment for the same purpose.

* Item No 2 in

(iii) The Act for City Surveys and Amendment of

the Bombay Act, -

Bombay Survey and Settlement Act, 1868 (Bombay Act IV of 1868). This Act is not in force in Bombay and not available for reference in any of the printed Codes.

(A) the notification
at the end)

(13) S.N. 49
F 501-1900

(14) S.N. 2
F 199-1929

✓

(15) S.N. 2
C. P. 5
F 198-36

3. Notifications Nos. 92-I, dated the 30th January 1930 (applying the Indian Census Act, 1929), 462-I dated the 4th July 1929 [applying the Public Safety Ordinance, 1929] and 57-I-B, dated the 15th January 1936 (applying the Italian Loans and Credits Prohibition Ordinance, 1935) are proposed to be cancelled, since the enactments applied are no longer in force in British India and apparently of no use for the Civil and Military Station of Bangalore.

Sd/- K. Sundaram,
4.3.37

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and ^{of} all other powers enabling him in that behalf, His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is pleased to order, and it is hereby ordered, as follows:-

1. This Order may be cited as the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, and shall come into operation on the first day of April, 1937.

2. In this Order --

"Crown Representative" means His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, and includes

(1) any person or persons acting under his authority, and

(11) in relation to anything done before the commencement of this Order the Governor General in Council and any person or persons acting under the authority of the Governor General in Council.

"Resident" means the Resident for Mysore.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the Civil and Military Station of Bangalore, subject to the modifications and restrictions specified in the second column thereof and to the ~~Following~~ provisions of this Order.

4. References to any Act in the Schedule to this Order shall be deemed to be references -

(a) in the case of an Act of Parliament, to that Act, as in force for the time being in British India; and

(b) in the case of a Regulation or of an Act of the Central Legislature or of any Provincial Legislature passed before the first day of

April, 1937, to that Regulation or Act as amended by the Central Legislature or, as the case may be, by that Provincial Legislature before the said date and as adapted or modified by any Order in Council made by His Majesty under section 293 of the Government of India Act, 1935.

5. The enactments applied by this Order shall, except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the table hereinafter printed were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table.

T a b l e.

(i) Central Government, Governor General or Federal Railway Authority.	... Crown Representative.
(ii) Provincial Govern- ment, Governor or Chief Controlling Revenue Authority.	... Resident.
(iii) Government	... Crown or Crown Repre- sentative or Resident as the context may require.
(iv) High Court	... Court of the Resident.
(v) Official Gazette	... Official Gazette of the Crown Representative or, as the case may be, of the Resident.
(vi) British India, any Province in British India or any part thereof.	Civil and Military ... Station of Bangalore.

6. A direction in the Schedule to this Order that an enactment or portion of an enactment shall stand unmodified shall be regarded as a direction that it is

not/

not to be construed in accordance with the provisions of paragraph 5.

7. Any Court may construe the provisions of any enactment applied by this Order and of any notifications, orders, bye-laws, rules, or regulations, made or issued thereunder with such modifications not affecting the substance as may be necessary or ~~be~~ proper in order to adapt them to the matter before the Court.

8. (1) On the commencement of this Order the notification No.261-I, dated the 24th April 1929, and all notifications amending the same, ^{*} issued by the Governor General in Council shall cease to have effect;

Provided that all proceedings taken under any of the enactments specified in the said notifications and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding enactments specified in the Schedule to this Order.

(2) All appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of any of the enactments specified in the aforesaid notifications are hereby confirmed and shall have effect as if made or issued under this Order.

* The notification No.462-I, dated the 4th July 1929.

The notification No.92-I, dated the 30th January 1930,
and the notification No.57-I.B., dated the 15th January
1936.

SCHEDULE.

ENACTMENTS APPLIED.

MODIFICATIONS AND
RESTRICTIONS.

Act of Parliament:

- | | |
|---|---|
| 1. The Army Act (44 and 45 Vict., C.58) | Only sections 156 and
? 190(35)(d) shall be
applicable. |
|---|---|

Acts of the Central Legislature:

- | | |
|---|---|
| 1. The Judicial Officers' Protection Act, 1850. (XVIII of 1850) | |
| 2. The Apprentices Act, 1850. (XIX of 1850). | (1) The provisions of the Act shall be applicable only to European and Anglo-Indian children.

(2) At the end of section 3 add -
"or required to find security for good behaviour".

(3) In sections 19, 20 and 21, for "executors or administrators" substitute "legal representatives".

? (4) Omit sections 22 and 23.

(5) In Schedule A for "executors and administrators" substitute "legal representatives", and omit the words "and seals" and the letters "L.S."

(6) In Schedule B for "executors or administrators" substitute "legal representatives". |
| 3. The Caste Disabilities Removal Act, 1850 (XXI of 1850) | --- |
| 4. The Indian Fatal Accidents Act, 1855 (XIII of 1855) | --- |
| 5. The Hindu Widows' Remarriage Act, 1856 (XV of 1856) | --- |
| 6. The Societies Registration Act, 1860 (XXI of 1860). | In section 13 for "principal Court of original civil jurisdiction of the district in which the chief building of the society is situate" substitute "Court of the District Judge of the Civil and Military Station of Bangalore"; and for "Government of the province of registration" substitute "Crown Representative".

? of registration" substitute "Crown Representative". |
| 7. The Indian Penal Code (XLV of 1860) | (1) In clause second of section |

21 the words "British India" shall stand unmodified.

(2) In section 55 for "Provincial Government of the Province" substitute "Crown Representative or the Resident".

(3) Section 75 shall stand unmodified.

(4) In section 121A for the second "British India" substitute "British India or the Civil and Military Station of Bangalore".

(5) In sections 124A, 244 and 245 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(6) In section 271 the words "Central Government" shall stand unmodified.

8. The Excise (Spirits) Act 1863 (XVI of 1863)

In section 2 for the words down to "approval of the Central Government" substitute "The Resident shall, from time to time, prescribe".

9. The Foreigners' Act, 1864. (III of 1864).

(1) All references to the Central Government shall be read as referring to the Resident.

(2) In section 1 the words "British India" shall stand unmodified.

10. The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866).

11. The Press and Registration of Books Act, 1867 (XXV of 1867).

12. The Indian Divorce Act, 1869 (IV of 1869)

(1) The provisions of the Act as applied shall be applicable only to persons to whom the Special Marriage Act, 1872 (III of 1872), as applied to the Civil and Military Station of Bangalore, applies and to persons not being British subjects who profess the Christian religion.

(2) In section 1 omit "and shall come into operation on the first day of April, 1869".

(3) In section 2 omit the first paragraph.

(4) In section 3 omit clause (1) and sub-clause (b) of clause (a).

(5) Omit section 17-A.

13. The Court Fees Act, 1870
(VII of 1870)

(1) Omit the last sentence of section 1 and section 1-A.

(2) In sections 26, 27, 34 and 35 for "appropriate Government" substitute "Resident".

14. The Cattle-Trespass Act,
1871 (I of 1871)

(1) Omit subsection (2) of section 1.

(2) In section 6 for "Provincial Government" substitute "Magistrate of the District".

15. The Pensions Act, 1871
(XXIII of 1871)

(1) Omit sections 2 and 3A and Schedule II.

(2) In sections 5, 10 and 13, for "appropriate Government" substitute "Resident".

(3) In section 14 omit "with the consent of the appropriate Government".

16. The Indian Evidence Act,
1872 (I of 1872)

(1) Omit the last sentence of section 1.

(2) In section 37 the words "British India" shall stand unmodified.

(3) In section 57 for clause (1) substitute -

"(1) All laws or rules having the force of law now, or heretofore in force, or hereafter to be in force, in any part of British India or in any area outside British India under the administration of the Crown Representative".

~~19x~~

(4) In sections 74 and 79 and in exception 2 to section 91 the words "British India" shall be read as referring to British India and the areas outside British India under the administration of the Crown Representative.

17. The Special Marriage Act,
1872 (III of 1872)

In section 17 after "Indian Divorce Act" insert "as applied to the Civil and Military Station of Bangalore".

18. The Indian Contract Act,
1872 (IX of 1872)

Omit the second sentence of section 2 and the second paragraph of section 21.

19. The Indian Christian Marriage
Act, 1872 (XV of 1872)

(1) Nothing in the Act, as applied, shall be deemed to apply to British subjects.

(2) In section 6 omit the words "and the Central Government so far as regards any Indian State", and the words "and State respectively".

(3)/

(3) Omit section 8.

(4) In section 9 omit "or (so far as regards any Indian State) the Central Government".

(5) Omit sections 28 to 36, 47, the last three paragraphs of section 48 and sections 54, 55, 56, 62(2), 84 and 86.

20. The Government Savings
Banks Act, 1873
(V of 1873)

21. The Indian Oaths Act, 1873
(X of 1873)

(1) Omit the second sentence of section 1.

(2) In sections 3 and 4 the words "British India" shall stand unmodified.

22. The Indian Majority Act,
1875 (IX of 1875)

(1) Omit the second sentence of section 1.

(2) In section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

23. The Specific Relief Act,
1877 (I of 1877)

(1) In section 1 omit the second and third paragraphs.

(2) Sections 9, 45 and 56 shall stand unmodified.

24. The Opium Act, 1878
(I of 1878)

(1) In section 1 omit the second and third paragraphs.

(2) In sections 5, 7 and 8 for "Provincial Government" substitute "Resident subject to the control of the Crown Representative".

25. The Indian Treasure Trove
Act, 1878 (VI of 1878)

26. The Indian Arms Act, 1878
(XI of 1878)

(1) In section 1 the words "by order of any Government in British India" shall stand unmodified; and after those words, the words "or of the Crown Representative" shall be inserted.

(2) Omit section 2.

(3) In sections 6, 7, 11, 13, 15, 16, 17(c), 18, 25, 26, 30 and 32 for "Central Government" substitute "Resident".

27. The Hackney-carriage Act,
1879 (XIV of 1879)

(1) Omit the preamble and the words from "nothing herein contained" to the end in section 1.

(2)/

(2) For section 2 substitute -

"2. In this Act, "Hackney-carriage" means any wheeled vehicle, drawn or pushed by a man or horse, bullock or other animal and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance".

(3) In section 3 omit the first paragraph; and in the second paragraph for the words from the beginning to "Committee of such municipality" substitute "The municipal commission of the Civil and Military Station of Bangalore"; and for the words "limits of such municipality" substitute "limits of the said Station".

(4) In section 6 at the end of clauses (a) and (b) insert "under this Act or any similar law for the time being in force in Bangalore City"; and in clause (c) after "granted" insert "including the grounds on which they shall be liable to be revoked or suspended".

(5) After section 10 add the following new section -

"11. PENALTY FOR INJURY OF HACKNEY-CARRIAGE.--Any person using a hackney-carriage and wilfully or negligently injuring the same, shall, on conviction before a Magistrate, be punished with fine which may extend to twenty rupees and shall also pay to the owner such sum as compensation as the Magistrate may think fit, which shall be recoverable as if it were a fine."

28. The Kazis' Act, 1880
(XII of 1880)

Omit the second paragraph of section 1

29. The Vaccination Act, 1880
(XIII of 1880)

(1) Omit the second paragraph of section 1, and sections 3, 4, 5 and 20.

(2) In section 23 for "any municipality" substitute "the Civil and Military Station of Bangalore".

30. The Municipal Taxation
Act, 1881 (XI of 1881)

(1) In sections 3 and 6 for "a municipality" substitute "the Civil and Military Station of Bangalore".

(2) Omit sections 3A and 5.

31. The Negotiable Instruments
Act, 1881 (XXVI of 1881)

(1) All references to the Central Government shall be construed as references to the Resident.

(2) In section 1 omit "and it shall come into force on the first day of March, 1882".

(3) In section 11 for "British India" substitute/

substitute "British India or the Civil and Military Station of Bangalore"

32. The Indian Trusts Act,
1882 (II of 1882)

(1) In section 1 omit the words from "and it shall come into force" to "British India".

(2) In section 20 -

(i) clauses (a) to (c) shall stand unmodified;

(ii) at the end of clause (d) insert "or in debentures or other securities for money issued by the Government of Mysore or under the authority of the Crown Representative"; and

(iii) in clause (e) after "British India" insert "or in the territories of Mysore including the Civil and Military Station of Bangalore"

33. The Transfer of Property Act, 1882 (IV of 1882).

(1) In section 1 omit the second, third, fourth and last paragraphs.

(2) In the definition of "registered" in section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(3) In section 52 the words "British India" shall stand unmodified.

34. The Land Improvement Loans Act, 1883 (XIX of 1883)

Omit subsection (2) of section 1.

35. The Indian Explosives Act, 1884 (IV of 1884).

(1) Omit section 2.

(2) In sections 5 and 7 for "Central Government" substitute "Crown Representative or the Resident with the previous sanction of the Crown Representative".

(3) In section 9 for "Central Government" substitute "Resident".

(4) In section 14 for "any Government in British India" substitute "Crown Representative or the Resident"

36. The Indian Telegraph Act, 1885 (XIII of 1885)

(1) Omit subsections (2) and (3) of section 1, and section 2.

(2) In subsection (1) of section 4 omit the words "on ships within Indian territorial waters and" and the words "or Indian territorial waters".

- (3) In section 15 for "Central Government" substitute "Resident".
- (4) Omit section 34.
- Omit Part I.
37. The Suits Valuation Act,
1887 (VII of 1887)
38. The Provincial Small Cause
Courts Act, 1887
(IX of 1887)
- (1) Omit subsections (2) and (3) of section 1, and section 2.
- (2) At the end of section 24 insert -
"Or, where the presiding Judge is the District Judge to the Court of the Resident".
39. The Measures of Length Act,
1889 (II of 1889)
- Omit subsections (2) and (3) of section 1, and sections 3 and 7.
40. The Indian Merchandise
Marks Act, 1889
(IV of 1889)
- (1) Omit subsections (2) and (3) of section 1, sections 10 and 11, in section 13 the words "or section 18 of the Sea Customs Act, 1878, as amended by this Act" and in section 19 the words "and clause (f) of Section 18 of the Sea Customs Act, 1878, as amended by this Act".
41. The Revenue Recovery Act,
1890 (I of 1890)
- (2) In section 16 for "Central Government" substitute "Resident".
- (1) Omit subsection (2) of section 1.
- (2) For section 8 substitute -
- "8. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue, or sum recoverable as an arrear of land revenue, payable to a Collector or other public officer or to a local authority in any part of British India or in any local area which is not part of British India but which is under the administration of the Central Government or of the Crown Representative and to which the Revenue Recovery Act, 1890, has been applied.
- 8A. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue or of any other sum which is, under section 193 of the Mysore Land Revenue Code, 1888 (Mysore Regulation IV of 1888), leviable in accordance with the provisions of Chapter XI of the said Code."

42. The Charitable Endowments
Act, 1890 (VI of 1890)

(1) Omit subsections (2) and (3)
of section 1.

(2) In section 3 -

(i) in subsection (1) for
the words from "India" to
"the Province" substitute
~~the~~ "the Civil and Military
Station of Bangalore"; and

(ii) in subsection (2) for
"India or as the case may be
the Province" substitute
"the Civil and Military Station
of Bangalore".

(3) Omit section 3A and the
proviso to subsection (4) of
section 5.

(4) In section 12 for the words
from the beginning to "any other
reason" substitute "If for any
reason".

(5) All references to the appro-
priate Government shall be read as
referring to the Crown Represen-
tative.

43. The Guardians and Wards Act, 1890. (VIII of 1890)
 - (1) Omit subsections (2) and (3) of section 1.
 - (2) In section 3 the words "High Court established in British India" shall stand unmodified.
44. The Indian Railways Act, 1890. (IX of 1890)
 - (1) Omit subsections (2) and (3) of section 1.
 - (2) In section 3 omit clause (20) and for clauses (21) and (22) substitute -
" (21) ' the safety controlling authority' or 'the general controlling authority' means the Crown Representative".
 - (3) In section 8A omit from "or the doing" to the end of the section.
45. The Prevention of Cruelty to Animals Act, 1890. (XI of 1890)

Omit subsections (2), (3) and (4) of section 1.
46. The Bankers' Books Evidence Act, 1891. (XVIII of 1891)

47. The Partition Act, 1893 (IV of 1893)

48. The land Acquisition Act, 1894. (I of 1894)
 - (1) Omit subsections (2) and (3) of section 1.
 - (2) In section 41 for "with the Provincial Government" substitute "with the Crown Representative".
49. The Crown Grants Act, 1895. (XV of 1895)

50. The Epidemic Diseases Act, 1897. (III of 1897)

Omit subsection (2) of section 1, and section 2A.

51. The General Clauses
Act, 1897.
(X of 1897)

(1) Sections 3, 4 and 4A shall stand unmodified:

Provided that for the interpretation of any enactment in the Civil and Military Station of Bangalore the definitions contained in these sections shall be applicable only after effect has been given to any modification, restriction or rule of construction prescribed in respect of the enactment by this Order.

(2) Omit sections 5 and 5A.

52. The Code of Criminal
Procedure, 1898.
(V of 1898)

(1) In section 1 omit the words "and it shall come into force on the first day of July, 1898" and the words from "or shall apply to" to the end of the section.

(2) Omit clause (j) of subsection(1) of section 4 and sections 22 and 25.

(3) In subsection (2) of section 45 the words "Central Government" shall stand unmodified.

(4) For the purposes of sections 99B to 99F, the High Court of Judicature at Madras shall be the High Court.

(5) In section 197 for clauses (a) and (b) of subsection (1) substitute "of the Resident"; in subsection (2) for the words from the beginning to "individual judgment" substitute "The Resident"; and omit subsection (3).

(6) Omit section 266.

(7) In sections 401 and 402, for
"Provincial Government" substitute
"Crown Representative or the Resident".

(8) Omit section 402A.

(9) In subsection (1) of section 503
after "such attendance and" insert "if such
witness resides in British India or in any
area to which this Code has been applied";
and subsection (2) shall stand unmodified.

(10) For subsection (1) of section
527 substitute -

"(1) The Crown Representative may, by
notification in the Official Gazette,
direct the transfer of any particular
case from the Court of the Resident
or from any Criminal Court subordinate
to that Court to any other Criminal
Court of equal or superior juris-
diction acting under the authority of
the Crown Representative whenever it
appears to him that such transfer will
promote the ends of justice or tend to
the general convenience of parties or
witnesses."

(11) In section 565 for "British India"
substitute "British India or the Civil and
Military Station of Bangalore"; and that
words "Central Government" shall stand
unmodified.

(12) Nothing in the Code, as applied shall
be deemed to apply to proceedings against
European British subjects or persons
charged jointly with European British
subjects.

53. The Indian Post Office
Act, 1898.
(VI of 1898)

(1) Omit subsections (2) and (3) of section 1.

(2) In section 2 in clause (b), except in the proviso, and in clause (d) the words "Central Government" shall stand unmodified.

(3) Omit Chapter VIII.

54. The Indian Stamp Act,
1899.
(II of 1899)

(1) In section 2 omit clause 12A and in clause 16A for "British India" substitute "British India or in the Civil and Military Station of Bangalore".

(2) Omit sections 57, 58 and 59.

(3) In section 60 -

(i) in subsection (1) omit "other than a Court mentioned in section 57" and the words from "or Chief Court" to "refer to same"; and

(ii) for subsection (2) substitute
"(2) Such Court shall consider the case and send a copy of its decisions to the Judge making reference who shall on receiving such copy dispose of the case conformably to such decision."

(4) In section 76A omit the words "Central Government subject to the provisions of section 124(1) of the Government of India Act, 1935 and the

(5) All references to the collecting Government shall be read as referring to the Resident.

55. The Indian Arbitration Act, 1899. (IX of 1899)
- (1) Omit subsections (2) and (3) of section 1 and section 2.
- (2) In section 4 omit the words "in the Presidency-towns the High Court and elsewhere"
56. The Church of Scotland Kirk Sessions Act, 1899. (XXIII of 1899)
-
57. The Prisoners Act, 1900. (III of 1900)
- only the following sections shall apply as hereby modified, namely:-
- "29. Removal of Prisoners.-(1) The Crown Representative may, by general or special order provide for the removal of any person --
- (i) sentenced by a Court to -
 - (a) death,
 - (b) imprisonment of transportation or
 - (c) imprisonment ⁱⁿ ~~at~~ default of payment of fine, or
 - (ii) ordered by a Court to be imprisoned for default of giving security for keeping the peace or for maintaining good behaviour
- to any prison in British India.
- (2) With the sanction of the Crown Representative, the Resident may, in like manner, provide for the removal of any person sentenced or ordered to be imprisoned as aforesaid to any prison in the Mysore State.

30.- Lunatic prisoners how to be dealt with.-- (1) Where it appears to the Resident that any person detained or imprisoned under any order or sentence of a Court is of unsound mind, the Resident may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody in the Mysore State so appointed with the sanction of the Crown Representative there to be kept and treated as the Resident directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Resident that the prisoner has become of sound mind, the Resident shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to any other prison as provided by section 29, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) When a person is confined in a lunatic asylum under subsection (1) after the expiration of the term for which he was ordered or sentenced to be detained or

~~imprisoned~~, it shall be lawful for two or

or more visitors of the asylum, of whom one shall be a medical officer, by writing under their hands, order to order that he shall be discharged, provided that notice of such order shall be immediately communicated to the Resident.

(4) The time during which a prisoner is confined in a lunatic asylum under subsection (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo."

(2) For the purpose of these sections, as applied, "Court" means any officer or tribunal in the Civil Military Station of Bangalore lawfully exercising criminal jurisdiction and includes a Justice of the Peace appointed by the Crown Representative within the Mysore State.

58. The Indian Works of
Defence Act, 1903.
(VII of 1903)

(1) Omit subsection (2) of section 1.

(2) In clause (c) of section 2 the words "Central Government" shall stand unmodified.

(3) In clauses (f) and (g) of section 2, sections 3 and 4, 6(1), 7, 31, 38 and 39 for "Central Government" substitute "Resident".

(4) In subsection (3) of section 6 and section 9, for "Central Government" substitute "Resident with the previous sanction of the Crown Representative".

59. The Ancient Monuments
Preservation Act, 1904.
(VII of 1904)

(1) Omit subsection (2) of section 1.

(2) In sections 2(3), 3, 4, 10A, 14 (where the words occur for the first time), 15 (where the words occur for the first and third times), 17(4)(5), 18, and 19, for "Central Government" substitute "Resident".

60. The Indian Coinage Act,
1906. (III of 1906)

- (1) Omit subsection (2) of section 1.
- (2) In sections 16 and 20 for
"authorised by the Central Government"
substitute "authorised by the Crown
Representative or by the Resident".

61. The Code of Civil
Procedure, 1908.
(V of 1908)

- (1) Omit subsections (2) and (3) of
section 1.
- (2) In clause (5) of section 2 and
sections 10 and 16 the words "British
India" shall be read as referring to
British India and the Civil and
Military Station of Bangalore; and
the words "Central Government" shall
stand unmodified.

(3) In section 24 -

(i) after subsection (1) add the
following subsection (1a) namely:-

"(1a) If in any case in which it
would have been competent to the
Court of the Resident to
exercise the power conferred by
sub-clause (ii) of clause (b)
of subsection (1) there is no
subordinate Court to which the
suit, appeal or other proceeding
can be transferred, or there is
such subordinate Court but
there is good reason why the
suit, appeal or other
proceeding should not be trans-
ferred to it, the Court of the
Resident may make a report to
the Crown Representative who
may, by notification in the
official Gazette, transfer

transfer such suit, appeal or proceeding to any Court under this authority which would have been competent to try or dispose of such suit, appeal or proceeding if the cause of action had arisen within the local limits of its jurisdiction. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."

(ii) in subsection (2) for the words and figure "under subsection (1)" substitute "under subsection (1) or subsection (1a)."

(4) For subsection 1 of section 25 substitute -

"(1) Where any party to a suit, appeal or other proceeding pending in the Court of the Resident objects to its being heard by that Court and the Court is satisfied that there are reasonable grounds for the objection, the Court shall make a report to the Crown Representative who may, by notification in the Official Gazette, transfer such suit, appeal or proceeding to any High Court in British India or in an administered area. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."

(5) In the proviso to section 29 after "summonses" insert "are situate in British India or"; and the words "Central Government" shall stand unmodified.

(6) In section 43 for "to which the provisions relating to execution do not extend" substitute " (or British Burma) or the Administered Areas"; and for "in British India" substitute "in the Administered Areas"; but, save as aforesaid, the section shall stand unmodified.

(7) In section 44 for "Provincial Government" substitute "Crown Representative" and the words "Central Government" shall stand unmodified.

(8) In section 45 after "any Court" insert "situate in British India or"; and the words "Central Government" shall stand unmodified.

(9) In clause (a) of section 78 the words "Central Government" shall stand unmodified; and for clause (b) substitute -

"(b) Courts situate in British India
or in any other part of the British
Empire".

(10) Sections 79 and 80 shall stand unmodified.

(11) In subsection (1) of section 85 for "Government" substitute "Crown Representative" and omit the Explanation.

FIRST SCHEDULE.

(12) At the end of rule 25 of Order V
add -

"Provided that, if the defendant resides
in British India, the summons may be sent
for service to a Court (not being a
High Court) having jurisdiction at the
and if the Court returns the summons
place where he resides, with an endorse-
ment signed by the Judge or other
officer of the Court that the summons
has been served on the defendant in
manner hereinbefore directed, such
endorsement shall be deemed to be
evidence of service."

(13) The provisions of rule 48 of Order
XXI shall apply only to those cases in which
the salary or allowances are payable in the
Civil and Military Station of Bangalore.

(14) In rule 49 of Order XXI the words
"British India" shall be read as referring
to British India and the Administered areas.

(15) Rule 8B of Order XXVII shall stand
unmodified.

62. The Explosive
Substances Act, 1908.
(VI of 1908)

(1) Omit subsection (2) of section 1.
(2) In section 4 for "British India"
substitute "India".
(3) In section 7 for "Central Government"
substitute "Resident".

63. The Indian Limitation
Act, 1908.
(IX of 1908)

(1) Omit subsections (2) and (3) of
section 1.
(2) In section 13 for the words "and from"
substitute "the Mysore State and"; but,
save as aforesaid, the section shall stand
unmodified.

- (3) Article 149 of the First Schedule shall stand unmodified.
64. The Indian Criminal Law Amendment Act, 1908. (XIV of 1908) Omit subsection (2) of section 1.
65. The Indian Registration Act, 1908. (XVI of 1908)
- (1) Omit subsection (3) of section 1.
- (2) In subsection (1) of section 33 after the words "power-of-attorney resides" in clause (a) and after "does not reside" in clause (c) insert "in the Civil and Military Station of Bangalore or"; but, save as aforesaid the subsection shall stand unmodified.
- (3) Omit section 67.
66. The Whipping Act, 1909. (IV of 1909)
- (1) Omit subsection (2) of section 1.
- (2) In section 5 for "Provincial Government" substitute "Crown Representative".
- (3) Omit section 6.
67. The Indian Electricity Act, 1910 (IX of 1910).
- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 32 for "Central Government" substitute "Resident
- (3) In subsection (1) of section 35 omit the words from "and each Provincial Government" to "the Province"; and in subsection (2) the words "or the Provincial Government, as the case may be".
- (4) In section 36 omit the words "in relation to mines, oilfields and railways" in subsection (1), the whole of subsection (2) and the words "or the Provincial Government, as the case may be" in subsection (3).
- (5) Omit section 36A.

- (6) In section 37 for "Central Electricity Board" substitute "Crown Representative
- (7) Omit subsections (1) and (2) of section 38.

68. The Prevention of Seditious Meetings Act, 1911 (X of 1911).

- (1) Omit sub-section (2) of section 1.
- (2) In section 2 for "Provincial Government" substitute "Resident with the previous sanction of the Crown Representative".

69 The Co-operative Societies Act, 1912 (II of 1912)

In subsection (2) of section 28 for "The Government" substitute "The Resident" and omit the last paragraph.

70. The Indian Lunacy Act, 1912. (IV of 1912).

- (1) Omit subsection (2) of section 1.
- (2) In clause (1) of section 3 for "any Government in British India" substitute "the Crown Representative in the Civil and Military Station of Bangalore or appointed by the Resident with the consent of the Mysore Durbar and with the sanction of the Crown Representative in the Mysore State or established or licensed by any Government in British India".
- (3) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.

- (4) Omit section 17.
- (5) In subsection (1) of section 31 for "Three" substitute "Two or more"
- (6) In subsections (1) and (2) of section 35 for "any other Province" substitute "any Province in British India".
- (7) The provisions of Chapter IV shall not be applicable except for the purposes of Chapter V.
- (8) At the end of section 84 insert "or with the consent of the Mysore Durbar and with the sanction of the Crown Representative may appoint an asylum in the Mysore State".
- (9) In section 85 after the words "class of lunatics" insert "to any asylum in the Mysore State appointed by the Resident under section 84 or"; and for the words "other Province" substitute "British Indian Province".
- (10) Omit subsection (2) of section 89A and section 89B.
- (11) In clause (a) of section 91(1) omit all words after "under this Act".
- (12) In section 98 the words "Central Government" shall stand unmodified.

71. The Provident Insurance Societies Act, 1912.
(V of 1912).

- (1) Omit subsection (2) of section 1.
- (2) In sections 2, 24 and 26 for "Central Government" substitute "Resident".

72. The Indian Life Assurance Companies Act, 1912 (VI of 1912)

- (1) Omit subsection (2) of Section 1.
- (2) In clause (9) of section 2 for "Central Government" substitute "Resident".

73. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912)

Omit subsection (2) of section 1.

7⁷. The Official Trustees Act,
1913 (II of 1913).

(1) In section 1 -

(1) for subsection (2) substitute:

"(2) It extends to the Civil
and Military Station of
Bangalore and applies only to
persons who are not subjects of
His Majesty"; and

(ii) omit subsection (3).

(2) In section 2 for clauses (1),

(2) and (8) substitute:

"(1) 'Government' means the
Resident;

(2) 'High Court' means His
Majesty's High Court of
Judicature at Madras, in the
exercise of its original
jurisdiction:

(8) 'Division' means the Civil
and Military Station of
Bangalore:

(3) In section 4 -

(1) for subsection (1) substitute:

"(1) The Government shall
appoint an Official Trustee for
the Division"; and

(ii) In subsection (2) omit clause
(d).

(4) Omit the proviso to subsection
(2) of section 24 and section
32 A.

5
7⁵. The Mussalman Wakf
Validating Act, 1913
(VI of 1913).

6
7⁶. The Indian Companies
Act, 1913 (VII of 1913).

(1) Omit subsections (2) and (3) of
section 1.

(2) In section 144 -

(1) the words "Central Government
in subsection (1) shall stand
unmodified;

- (ii) omit subsections (2) and (2A); and
- (iii) in subsection (2B) after "this section" insert "as in force in British India".
- (3) In subsection (1) of section 245 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore; and the words "Central Government" shall stand unmodified.
- (4) Omit section 289A.
- (5) All references to the Central Government, except in sections 144(1) and 245, shall be read as referring to the Resident.
- Omit subsection (2) of section 1
- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 6 for "By the Provincial Government" substitute "under section 11".
- (3) In section 9 for "such area as may be specified therein" substitute "the Civil and Military Station of Bangalore"; and omit the proviso.
- 4) In subsection (2) of section 10 for "such area as may be specified in the certificate of registration" substitute "the Civil and Military Station of Bangalore"; and omit the proviso.
- (5) In section 11 -
 - (1) in subsection (1) omit "The Provincial Government"; and/

7⁸. The Indian Copyright Act, 1914 (III of 1914).

8

7⁹. The Indian Motor Vehicles Act, 1914(VIII of 1914).

and after "publication" insert
"and to confirmation by the
Resident, the Municipal Commission
of the Civil and Military Station
of Bangalore"

(ii) in subsection (2) for "Pro-
vincial Government" substitute
"Municipal Commission";

(iii) in subsection (3) after "this
section shall" insert "when
confirmed by the Resident"; and

(iv) after subsection (3) add the
following :

"(4) The Resident may at any
time rescind any rule made
and confirmed under this
section".

(6) In section 12 omit "by the
Provincial Government".

(7) In section 14 omit "for the pur-
pose of implementing any inter-
national Convention relating to
motor traffic".

(8) In section 15 omit "by the
Provincial Government".

(9) In section 17 omit "a Presidency
Magistrate or".

(10) After section 18 insert:

"19. Income and Expenditure.—The
amount of any fees received and ~~the~~
the amount of any expense incurred
in giving effect to this Act
shall be credited and debited
respectively to the Municipal
Fund of the Civil and Military
Station of Bangalore.

- 80. The Cinematograph Act,
1918 (II of 1918).
- ¹
82. The Usurious Loans Act,
1918 (X of 1918).
- ²
83. The Poisons Act, 1919
(XII of 1919).

- ³
84. The Provincial Insolvency
Act, 1920 (V of 1920).
- ⁴
85. The Indian Securities Act,
1920 (X of 1920).

- ⁵
86. The Identification of
Prisoners Act, 1920,
(XXXIII of 1920).
- ⁶
87. The Cutchi Memons Act.
1920 (XLVI of 1920).
- ⁷
88. The Auxiliary Force Act,
1920 (XLIX of 1920).

- (2) For the Words "appropriate
Government" substitute, in section
3 and 6, "Crown Representative",
and in sections 4 and 5, "Resident".
Omit subsections (2) and (3) of
section 1.
- Omit subsection (2) of section 1.
- (1) Omit subsection (2) of section 1.
- (2) In section 3 omit "across any
customs frontier defined by the
Central Government".
- (3) In section 6 omit "across a
customs frontier defined by the
Central Government".
Omit subsection (2) of section 1.
- (1) Omit subsections (2) and (3) of
section 1.
- (2) Section 2 shall stand unmodified.
- (3) In sections 6, 7 and 9 for "the
Government" substitute "the
Crown Representative".
- (4) In subsection (2) of section 13
for "the Government" substitute
"the Resident".
- (5) In subsection (1) of section 24
for "Government" substitute
"Crown Representative".
Omit subsection (2) of section 1.

-
- Omit subsections (2) and (3)
of section 1.

⁸
88. The Maintenance Orders
Enforcement Act, 1921
(XVIII of 1921).

- /41
- (1) Omit subsection (2) of section 1.
 - (2) In section 3 the words "British India" shall stand unmodified.
 - (3) In section 10 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.

⁸⁹
89. The Indian States (Pro-
tection against Dissafection)
Act, 1922.

- Omit subsection (2) of section 1.

⁹⁰
90. The Indian Income-Tax Act,
1922 (XI of 1922).

- (1) Omit subsections (2) and (3) of section 1.
- (2) In clause (8) of section 2 for "Central Government" substitute "Resident".
- (3) Omit sections 7(2), 46(6) and 64.
- (4) After section 60 insert the following new section:
"60A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules under section 59 and any exemptions, reductions in rate or other modifications under section 60 of the Indian Income-tax Act, 1922, for the time being in force in British India subject to any amendments to which such rules, exemptions, reductions or modifications are for the time being subject in British India and with such modifications or restrictions as may be specified in the notifications, and any rules, exemptions, reductions or modifications so applied shall have effect in the Civil and Military Station of

(5) For subsection (8) of section 66 substitute:

"(8) For the purposes of this section 'the High Court' means the High Court of Judicature at Madras."

¹
92. The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).

Omit subsections (2) and (3) of section 1.

²
93. The Indian Boilers Act, 1923 (V of 1923).

(1) Omit subsections (2) and (3) of section 1.

(2) After section 31 insert the following new section:

"31A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any regulations under section 28 of the Indian Boilers Act, 1923, for the time being in force in British India subject to any amendments to which such regulations are for the time being subject in British India, and with such modifications and restrictions as may be specified in the notifications, and any regulations so applied shall have effect in the said Civil and Military Station as if made under this Act.

³
94. The Workmen's Compensation Act, 1923 (VIII of 1923).

Omit subsections (2) and (3) of section 1.

⁴
95. The Indian Official Secrets Act, 1923 (XIX of 1923).

(1) Omit subsection (2) of section 1.
(2) In section 2, clause (1A) shall stand unmodified.

(3) In section 13 for the words "appropriate/

"appropriate Government", in subsection (1), substitute "Resident", and for the same words in subsection (3) substitute "Crown Representative"; and omit subsection (5).

⁵
94. The Criminal Tribes Act,
1924 (VI of 1924)

⁶
97. The Indian Soldiers'
(Litigation) Act, 1925
(IV of 1925).

- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 13 for "Central Government" substitute "Resident"; and omit "after consulting the High Court concerned".
- (3) In section 14 omit from the beginning to "in other cases"

⁷
98. The Provident Funds Act,
1925 (XIX of 1925).

- (1) Omit subsections (2) and (3) of Section 1.
- (2) In subsections (1),(2) and (3) of section 8 for "appropriate Government" substitute "Crown Representative" and omit subsection (4).

⁸
99. The Indian Succession Act,
1925 (XXXIX of 1925).

- (1) Omit section 57, in section 58 the words "save as provided by section 57", subsection (2) of section 264 and Schedule III.
- (2) For section 382 substitute :
"382. Where a certificate in the form of Schedule VIII has been granted under the provisions of this Act by a Court having jurisdiction Under the Act in British India or under the Act as applied in any area outside British India which ~~which~~ is under the administration of the Crown Representative, or where a certificate in the form, as nearly as circumstances admit, of the said/

said Schedule has been granted to a resident within a foreign State by the British representative accredited to that State or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act.

- 99. .
- 100. The Government Trading Taxation Act, 1926 (III of 1926).
 - (1) Omit subsection (2) of section 1.
 - (2) In subsection (3) of section 2 after "territory " insert "other than the Mysore State".
- 101. The Indian Insurance Companies Act, 1928 (XX of 1928).
 - Omit subsections (2) and (3) of section 1.
- 102. The Trade Disputes Act, 1929 (VII of 1929).
 - (1) Omit subsections (2) and (3) of section 1.
 - (2) In clause (c) of section 2 for "any Government in British India" substitute "the Crown Representative and in subclause (i) of clause (g) omit the words "in the case of a federal railway" and the words "and in the case of any other railway, the Provincial Government".
 - (3) In section 3 omit the words from "or where the employer" to "a federal railway, the Central Government" and the words "or the Central Government, as the case may be".
 - (4) In section 8 omit "of the Central Government or",
 - (5) In subsection (4) of section 15 for the words from "Central Government" to the end insert "Resident".
 - (6) Section 16 shall stand unmodified.
 - (7).....

(7) For subsection (2) of section 17 substitute:

"(2) No court shall take cognizance of any offence under this Act save on complaint made by, or under the authority from, the Resident."

(8) For subsection (1) of section 19 substitute:

"(1) The Resident may make rules for the purpose of giving effect to the provisions of this Act."

Omit subsections (2) and (3) of section 1.

²
103. The Child Marriage
Restraint Act, 1929
(XIX of 1929).

✓ ³
104. The Dangerous Drugs Act,
1930 (II of 1930).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 2 omit the words "across any of the customs frontiers defined by the Central Government in clause (1), the words "otherwise than across any of the said customs frontiers" in clauses (j) and (l), the words "across any of the said customs frontiers" in clause (k), and clause (ll).

(3) In subsection (2) of section 8 for the words "Provincial Government", where they occur for the first time, substitute "Resident subject to the control of the Crown Representative"

(4) In section 31 for "appropriate Government" substitute "Resident and omit the second sentence.

(5) In section 35 omit the words from the beginning to "with other offences"

⁴
104A. The Indian Companies
(Amendment) Act, 1930
(XIX of 1930).

(1) Omit subsection (2) of section 1.

(2) In section 3 -
(1) Omit subsection (1);

/L. 6

(ii) in subsection (2) for the words from "Provincial Governments" to "so to act" substitute "any Provincial Government in British India before the 1st April 1932 entitling them to Act as auditors within that Province may act as auditors in the Civil and Military Station of Bangalore"; and

(iii) add the following subsection namely -

"(3) Notwithstanding anything contained in subsection (2), the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore, any rules under section 3 of the Indian Companies (Amendment) Act, 1930, for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India and to such notifications or restrictions as may be specified in the notification, and any rules so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act."

105. The Indian Press (Emergency) (1) Omit subsection (2) of Powers Act, 1931 (XXIII of 1931). section 1

(2) For clause (3) of section 2 ~~substitute~~
substitute "(3) 'High Court' means
the High Court of Judicature at
Madras".

106. The Indian Partner-
ship Act, 1932.
(IX of 1932)

(1) Omit subsections (2) and (3) of
section 1.

(2) In subsection (1) of section 71
for "Provincial Government"
substitute "Crown Representative";
in subsection (2) omit "also"; and
in subsection (3) for "this
section" substitute "subsection(2)".

107. The Reserve Bank of India Act, 1934. (II of 1934). Only sections 26(1), 31 and 32 shall
be applicable subject to the following
modifications:

(i) in subsection (1) of section 26
omit the words "subject to the
provisions of subsection (2)"
and the words "and shall be
guaranteed by the Central
Government";

(ii) in section 31 omit "as expressly
authorised by this Act"; and

(iii) in section 32 for "the Bank "
substitute "a person empowered
in this behalf by the Resident
with the sanction of the Crown
Representative".

Indian States Protection Act.
(X of 1934) ?

108. The Sugar (Excise
Duty) Act, 1934.
(XIV of 1934)

(1) Omit subsection (2) of section 1.

(2) In sub-section (1) of section 3 omit the words "on or after the first day of April, 1934" and the words "on or after the said date".

(3) For section 6 substitute -

"6. The Crown Representative may, by notification in the Official Gazette, prohibit absolutely or with such exceptions, as he thinks fit, the bringing of sugar into the Civil and Military Station of Bangalore from the territory of any specified Indian State."

(4) After section 7 insert the following new section:-

"7A, (1) Whoever, in contravention of any notification issued under section 6, imports or attempts to import sugar into the Civil and Military Station of Bangalore shall be punished with ~~the~~ imprisonment, which may extend to six months, or with fine, which may extend to four times the amount of duty which would be payable on the sugar if it were liable to duty in the Civil and Military Station of Bangalore or to one thousand rupees whichever is greater or with both imprisonment and fine.

(2) Whoever abets an offence, punishable under sub section (1) shall, whether such offence is or is not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence."

(5) Omit section 10.

(6) After section 11 insert the following new section :-

"12. Notwithstanding anything contained in sections 5 and 11, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications

under the Sugar (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

109. The Matches (Excise Duty) Act, 1934.
(XVI of 1934)

(1) In the preamble omit "and to alter the duty or customs leviable on matches under the Indian Tariff Act, 1894".

(2) Omit sub section (2) of section 1.

(3) In section 3 omit "on or after the first day of April, 1934".

(4) In section 8 omit in sub section (1) the words from the beginning to "in the notification" and the words "manufactured after the date of issue of the notification"; and in subsection (2) the words from the beginning to "in the notification".

(5) In section 9 omit the words from the beginning to "in this behalf".

(6) In sub sections (1) and (2) of section 12 omit "any direction made under".

(7) Omit sections 16 and 17.

(8) After section 19 insert the following new section :-

"19A. Notwithstanding anything contained in sections 6, 8, 9, 18 and 19, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Matches (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of

110. The Indian Carriage
by Air Act, 1934.
(XX of 1934).

Bangalore as if made under this Act".

Omit sub sections (2) and (3) of section 1.

111. The Indian Aircraft
Act, 1934.
(XXII of 1934)

(1) Omit sub section (2) of section 1.

(2) For clauses (3) and (4) of section 2
substitute -

"(3) 'import' means bringing into the Civil and
Military Station of Bangalore from a place
outside British India; and

(4) 'export' means taking out of the Civil and
Military Station of Bangalore to a place
outside British India".

(3) After section 7 insert the following new
section :-

"7A. Notwithstanding anything contained in sections
4, 5, 7 and 8, the Crown Representative may,
by notification in the Official Gazette, apply
to the Civil and Military Station of Bangalore
any rules under the Indian Aircraft Act, 1934,
for the time being in force in British India,
subject to any amendments to which such rules
are for the time being subject in British
India, and with such modifications or
restrictions as may be specified in the
notification; and any rule, so applied, shall
have effect in the said Civil and Military
Station as if made under this Act."

(4) Omit sections 9, 15 and 19(2).

112. The Mechanical
Lighters (Excise
Duty) Act, 1934.
(XXIII of 1934)

(1) In the preamble omit "and to alter the duty or
customs leviable on mechanical lighters under the
Indian Tariff Act, 1894".

(2) Omit sub section (2) of section 1.

(3) In section 7 omit the words from the beginning
to "in this behalf".

(4) Omit sections 13 and 14.

(5) After section 15 insert the following new
section :-

"15A. Notwithstanding any thing contained in
sections 5, 11 and 15, the Crown Representa-
tive may, by notification in the Official

L.

Gazette, declare that any rules, orders or notifications under the Mechanical Lighters (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

113. The Factories Act,
1934. (XXV of 1934).

- (1) Omit sub sections (2) and (3) of section 1.
- (2) In section 12 the words "British India" shall stand unmodified.

114. The Indian Petroleum
Act, 1934,
(XXX of 1934)

- (1) Omit sub sections (2) and (3) of section 1.
- (2) In section 25 omit " in the Presidency-towns, by a Presidency Magistrate, and elsewhere".

115. The Parsi Marriage
and Divorce Act,
1936.
(III of 1936)

- (1) In section 1 -
 - (i) for sub section (2) substitute
"(2) It extends to the Civil and Military Station of Bangalore and applies only to persons who are not subjects of His Majesty.
- and
(ii) omit sub section (3)
- (2) For clause (2) of section 2 substitute
"(2) 'Court' means the Presidency Chief Matrimonial Court at Madras, as constituted under the Presidency Marriage and Divorce Act, 1936, as in force in British India".
- (3) For section 7 substitute -
"7. For the purposes of this Act, a Registrar shall be appointed by the Resident and every Registrar, so appointed, may be removed by the Resident.
- (4) Omit sections 18 to 27.

(5)

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(5) The references to the High Court in sections 47 and 51 shall be read as referring to the High Court of Judicature at Madras.

CENTRAL REGULATIONS

- | | |
|--|--|
| 1. The Excise Regulation,
1915
(I of 1915) | (1) Omit sub sections (2) and (3) of section 1.
(2) In section 2 omit the proviso to clause (19). |
|--|--|

ACTS OF THE PROVINCIAL LEGISLATURES.

- | | |
|--|---|
| 1. The Madras Revenue
Summons Act, 1869
(Madras Act III of 1869) | For the word "Tahsildars" wherever it occurs substitute "Amildars". |
| 2. The Places of Public
Resort Act, 1888
(Madras Act II of 1888) | (1) Omit sub section (3) of section 1.
(2) At the end of section 3 insert -
"Provided that the Resident may, by order, exempt from the operation of this section any such enclosed place or building either generally or with reference to its use for any particular entertainment or class of entertainment".
(3) For section (5) substitute -
"5. Such application shall be made to the District Magistrate."
(4) In section 6 for "shall inspect" substitute "may inspect".
(5) Omit the second sentence of section 14. |
| 3. The Madras Medical
Registration Act, 1914
(Madras Act IV of 1914) | (1) Only sections 4 and 23 shall apply.
(2) For the purposes of the said Station, a registered practitioner means a practitioner registered under the Madras Medical Registration Act, 1914. |
| 4. The Madras Children
Act, 1920.
(Madras Act IV of 1920) | (1) For section 6 substitute -
"6. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any State in India, provide for the reception, detention and training of youthful offenders and children belonging to the Civil and Military Station of Bangalore in the |

the certified schools established and maintained in such Province or State and may transfer such youthful offenders and children from one such school to another."

(2) Omit sections 7 to 16, 32, 33, 43, and clauses (a) to (e), (g) to (i) and (n) of subsection (2) of section 44.

5. The Madras Court Fees
(Amendment) Act, 1922
(Madras Act V of 1922)

In section 4 omit "under section 14 of the Religious Endowments Act, 1863 or".

6. The Madras Stamp
(Amendment) Act, 1922
(Madras Act V I of 1922)

(1) In section 4 for the figures "1922" where they occur for the second time, substitute the figures "1923"

(2) In section 7 the words "British India" shall stand unmodified; for "in the said Presidency" substitute "in the Civil and Military Station of Bangalore", and omit "other than the Presidency of Madras".

7. The Madras Borstal
Schools Act, 1925-
(Madras Act V of 1926)

(1) For section 3 substitute -

"3. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any Indian State, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established or maintained in any such Province or State and may remove an inmate from one such school to another, provided that the whole period of his detention in the Borstal School shall not be increased by such removal."

(2) Omit sub section (3) of section 1, clauses (a) to (d) of sub section (2) and sub section (4) of section 4 sections 5, 10, 13, 15, 16, 17, the second paragraph of section 20 and section 21.

GOVERNMENT OF INDIA,

Foreign and ~~Political~~ DEPARTMENT.

A. 2. 1. 5

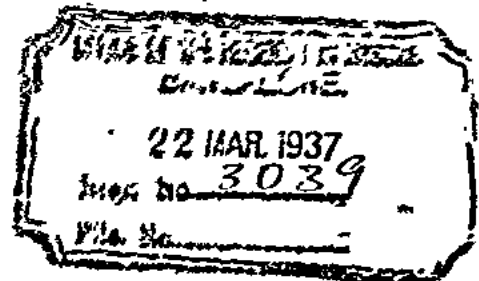
EXPRESS LETTER

[N. B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.]

FROM

Polindia,

New Delhi.

by Mr. 2. 11. 3
J. e. 17/3

To

Resident,

Mysore.

No. D. 882-Fed.I/37.

Dated 18th March 1937.

Please incorporate following corrections in draft notification and its schedule enclosed with Foreign and Political Department letter D. 799-Fed.I/37, dated 10th March 1937.

S. N. 3
P. u. c. 11. Paragraph 3 of notification.

Omit the word "following".

2. Serial No. 12 of Schedule.

At end of modification (4) substitute "(2)" for "(a)".

3. Serial No. 54 of Schedule.

(a) Modification (2) should read "(2) Omit sub-sections (2) and (3) of section 1 and sections 57, 58 and 59".

(b) In modification (3) read "refer the same" for "refer to same".

4. Serial No. 58 of Schedule.

In modification (3) for "and" in "3 and 4" substitute

a comma.

5. Serial No. 103 of Schedule.

For modification (2) substitute the following:

"(2) For clauses (i) to (m) of section 2 the following clauses shall be substituted -

"(i) 'to import into the Civil and Military Station of Bangalore' means subject to the provisions of clause (j) to bring into the Civil and Military Station of Bangalore by land, sea or air;

"(j) 'to import inter-provincially' means to bring into the Civil and Military Station of Bangalore from any province of British India and include --

(i) the bringing of a dangerous drug into the Civil and Military Station of Bangalore from any Indian State which the Crown Representative may, by notification in the Official Gazette, declare to be inter-provincial import; and

(ii) bringing into the Civil and Military Station of Bangalore from any province of British India in the course of a continuous journey, by sea or through an Indian State;

(k) 'to export from the Civil and Military Station of Bangalore' means subject to the provisions of clause (l), to take out of the Civil and Military Station of Bangalore by land, sea or air;

(l) 'to export inter-provincially' means to take out of the Civil and Military Station of Bangalore into any province of British India and include:

(i) the taking of a dangerous drug out of the Civil and Military Station of Bangalore into

- 3 -

into any Indian State which the Crown Representative, may by notification in the Official Gazette, declare to be inter-provincial export; and

— (ii) taking out of the Civil and Military Station of Bangalore into any province of British India in the course of a continuous journey by sea or through an Indian State; and

(m) 'to transport' means to take from one place to another in the Civil and Military Station of Bangalore."

issue of the above has been authorised.

B. Harey.

Under Secretary to the Government of India.

Issued
As per
24.3.37
29.3.37

DEPARTMENT.

BRANCH.

No: 24.

File No.

Serial No.

Draft

Letter
Memorandum
Telegram

Class for telegrams

Ordinary
Express
Urgent
Priority
Clear-First

*Only for
Foreign
Telegrams.†Not for
Foreign
Telegrams.

No. F.205-37 Dated

29-3-

1937

R.O.I.

From

Resident Mysore, Bangalore.

To

Polindia, New Delhi.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

Your letter No.D.799-Fed.I/37

dated 10th March 1937 forwarding

draft notification applying laws to

Bangalore Station. Draft notifica-

tion. Para 2. Correct designation

is Resident in Mysore, see F & P.

Department letter No.144-Fed dated

4th March 1937. Para 3. I note

omission of provision inserted in

1929 notification that Acts are

applied subject to amendments made

in them in British India. Para 4 (b).

In 1929 notification acts were

described as Acts of Governor General

in Council up to 1920 and as Acts

of

of Indian Legislature thereafter and provincial Acts were similarly described. Para 8. Notifications 462-I dated 4th July 1929, 92-I dated 30th January 1930 and 57-I-B dated 15th January 1936 need not be specified. The first and third have lapsed and the second referred only to Census of 1931. Moreover, ^{many} other amendments have been issued.

Schedule to draft notification.

The Indian States Protection Act has been extended to Station vide Notification 670-I.B. dated ~~the~~ 13th December 1934. Please include this in schedule. State Prisoners Act may be omitted. I agree that Bengal Regulation may be applied with modifications, and await your draft. Bombay Act I of 1865 and Act IV of 1868. Please retain in schedule until position can be further examined here.

There has not been time to examine

modifications

modifications and restrictions in
Acts in schedule. Notification and
schedule may be issued subject to
consideration of comments made
above. My further comments if any
will be sent later.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

S. N 6.
No. F.205-37
R.O. I

16a

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Collector,
Civil and Military Station, Bangalore.

Dated Bangalore, 16 April 1937.

SIR,

I am directed to say that while reviewing the list of enactments in force in the Station for the purpose of applying them by notification under the new Indian (Foreign Jurisdiction) Order in Council, 1937, the Government of India suggested that the Khots Leases Act, 1865, (Bombay Act I of 1865) and the Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868, (Bombay Act IV of 1868) should be omitted from the schedule.

The Government of India observe as follows:- "The Khots Leases Act, 1865 - The preamble and sections 1 to 49 have been applied, but in common with other enactments applied this is subject to any amendments to which the Act is for the time being subject in British India. The only sections, now extant in Bombay and presumably in British India are sections 37 and 38. The rest of the Act including the preamble having been repealed by Bombay Act V of 1879 -- see Bombay Code, Fourth Edition, Volume II, pages 70 and 71 -- it is not clear whether the preamble and sections 1 to 49 of the Act of 1865 as passed should be applied and if so, what would be the

necessary

Issued
6/16/4/37.

necessary modifications. It may be possible, if at all necessary, to apply a more recent enactment for the same purpose. The Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868, (Bombay Act IV of 1868) -- This Act is not in force in Bombay and not available for reference in any of the printed Codes."

I am to request that the Hon'ble the Resident may kindly be favoured with your remarks on the proposal at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

s/c

R.

SECRETARY TO THE RESIDENT.

B.

KS.

k

S.N. 11
31 5 37

166

No.D.982-Fed.I/37.

The undermentioned papers are forwarded to the Hon'ble
the Resident in Mysore for information, with reference to the
correspondence ending with this Department Express letter No.

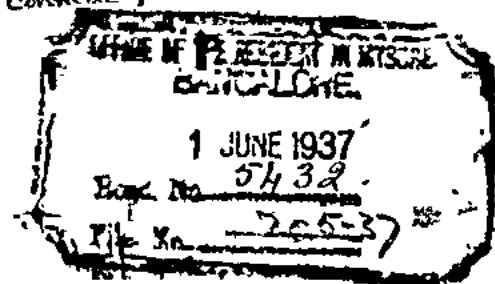
S.N.9

D.982-Fed.I/37, dated the 7th May 1937.

(Put up in another connection)
C.P. 64
F.205-37

By order, etc.,

B. Hailey.



for Secretary to His Excellency the Crown Representative.

POLITICAL DEPARTMENT,

SIMLA.

Dated the 26th May 1937.

5 copies of the Political Department Notification No.

3 Fed.I, dated the 1st April 1937.

Spare copies
removed
& kept paratly

POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 1st April 1937.

No. 3-Fed.-I.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Order:—

1. (1) This Order may be cited as the Civil and Military Station of Bangalore (Application of Laws) Order, 1937.

(2) It shall come into operation on the first day of April, 1937.

2. In this Order—

“Crown Representative” means His Majesty’s Representative for the exercise of the functions of the Crown in its relations with Indian States, and includes—

(i) any person or persons acting under his authority, and

(ii) in relation to anything done before the commencement of this Order the Governor General in Council and any person, or persons acting under the authority of the Governor General in Council “Resident” means the Resident for Mysore.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the Civil and Military Station of Bangalore, subject to the modifications and restrictions specified in the second column thereof and to the provisions of this Order.”

4. References to any Act in the Schedule to this Order shall be deemed to be references—

(a) in the case of an Act of Parliament, to that Act, as in force for the time being in British India; and

(b) in the case of a Regulation or of an Act of the Central Legislature or of any Provincial Legislature passed before the first day of April, 1937, to that Regulation or Act as amended by the Central Legislature or, as the case may be, by that Provincial Legislature before the said date and as adapted or modified by any Order in Council made by His Majesty under section 293 of the Government of India Act, 1935.

5. The enactments applied by this Order shall, except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the table hereunder printed were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table.

TABLE.

- (i) Central Government, Governor General or Federal Railway Authority
- (ii) Provincial Government, Governor or Chief Controlling Revenue Authority.
- (iii) Government
- (iv) High Court.
- (v) Official Gazette.
- (vi) British India, any Province in British India, or any part thereof.

Crown Representative.

Resident.

Crown or Crown Representative or Resident as the context may require.

Court of the Resident.

Official Gazette of the Crown Representative or, as the case may be, of the Resident.

Civil and Military Station of Bangalore.

6. A direction in the Schedule to this Order that an enactment or portion of an enactment shall stand unmodified shall be regarded as a direction that it is not to be construed in accordance with the provisions of paragraph 5.

7. Any Court may construe the provisions of any enactment applied by this Order and of any notifications, orders, bye-laws, rules, or regulations, made or issued thereunder with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

8. (1) On the commencement of this Order, notifications of the Government of India in the Foreign and Political Department, No. 263-I, dated the 24th April 1929, No. 462-I, dated the

4th July 1929, No. 92-I, dated the 30th January 1930 and No. 57-I. B., dated the 15th January, 1936, and all notifications amending the same shall cease to have effect:

Provided that all proceedings taken under any of the enactments specified in the said notifications and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding enactments specified in the Schedule to this Order.

(2) All appointments, delegations, notifications, orders, bye-laws, rules and regulations, made or issued under or in pursuance of any of the enactments specified in the aforesaid notifications are hereby confirmed and shall have effect as if made or issued under this Order.

SCHEDULE.

Enactments Applied.	Modifications and Restrictions.
<i>Act of Parliament:</i>	
1. The Army Act (44 and 45 Vict., c. 58).	Only sections 156 and 190 (35) (d) shall be applicable.
<i>Acts of the Central Legislature:</i>	
1. The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	(1) The provisions of the Act shall be applicable only to European and Anglo-Indian children.
2. The Apprentices Act, 1850 (XIX of 1850).	(2) At the end of section 3 add— "or required to find security for good behaviour."
	(3) In sections 19, 20 and 21, for "executors or administrators" substitute "legal representatives".
	(4) Omit sections 22 and 23.
	(5) In Schedule A for "executors and administrators" substitute "legal representatives", and omit the words "and seals" and the letters "L. S."
	(6) In Schedule B for "executors or administrators" substitute "legal representatives".
3. The Caste Disabilities Removal Act, 1850 (XXI of 1850).	
4. The Indian Fatal Accidents Act, 1855 (XIII of 1855).	
5. The Hindu Widows' Remarriage Act, 1856 (XV of 1856).	
6. The Societies Registration Act, 1860 (XXI of 1860).	In section 13 for "principal Court of original civil jurisdiction of the district in which the chief building of the society is situate" substitute "Court of the District Judge of the Civil and Military Station of Bangalore"; and for "Government of the province of registration" substitute "Crown Representative".
7. The Indian Penal Code (XLV of 1860).	(1) In clause second of section 21 the words "British India" shall stand unmodified. (2) In section 55 for "Provincial Government of the Province" substitute "Crown Representative or the Resident". (3) Section 75 shall stand unmodified. (4) In section 121A for the second "British India" substitute "British India or the Civil and Military Station of Bangalore". (5) In sections 124A, 244 and 245 for "British India" substitute "British India or the Civil and Military Station of Bangalore". (6) In section 271 the words "Central Government" shall stand unmodified.

3.

8. The Excise (Spirits) Act, 1863 (XVI of 1863).

In section 2 for the words down to "approval of the Central Government" substitute "The Resident shall, from time to time, prescribe".

9. The Foreigners' Act, 1864 (III of 1864).

(1) All references to the Central Government shall be read as referring to the Resident.

(2) In section 1 the words "British India" shall stand unmodified.

10. The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866).

.....

11. The Press and Registration of Books Act, 1867 (XXV of 1867).

.....

12. The Indian Divorce Act, 1869 (IV of 1869).

(1) The provisions of the Act as applied shall be applicable only to persons to whom the Special Marriage Act, 1872 (III of 1872), as applied to the Civil and Military Station of Bangalore, applies and to persons not being British subjects who profess the Christian religion.

(2) In section 1 omit "and shall come into operation on the first day of April, 1869".

(3) In section 2 omit the first paragraph.

(4) In section 3 omit clause (1) and sub-clause (b) of clause (2).

(5) Omit section 17-A.

13. The Court Fees Act, 1870 (VII of 1870).

(1) Omit the last sentence of section 1 and section 1-A.

(2) In sections 26, 27, 34 and 35 for "appropriate Government" substitute "Resident".

14. The Cattle-Trespass Act, 1871 (I of 1871).

(1) Omit sub-section (2) of section 1.

(2) In section 6 for "Provincial Government" substitute "Magistrate of the District".

15. The Pensions Act, 1871 (XXIII of 1871).

(1) Omit sections 2 and 3A and Schedule II.

(2) In sections 5, 10, and 13, for "appropriate Government" substitute "Resident".

(3) In section 14 omit "with the consent of the appropriate Government".

16. The Indian Evidence Act, 1872 (I of 1872).

(1) Omit the last sentence of section 1.

(2) In section 37 the words "British India" shall stand unmodified.

(3) In section 57 for clause (i) substitute—

"(i) All laws or rules having the force of law now, or heretofore in force, or hereafter to be in force, in any part of

British India or in any area outside British India under the administration of the Crown Representative."

(4) In sections 74 and 79 and in exception 2 to section 91 the words "British India" shall be read as referring to British India and the areas outside British India under the administration of the Crown Representative.

In section 17 after "Indian Divorce Act" insert "as applied to the Civil and Military Station of Bangalore".

Omit the second sentence of section 1 and the second paragraph of section 21.

(1) Nothing in the Act, as applied, shall be deemed to apply to British subjects.

(2) In section 6 omit the words "and the Central Government so far as regards any Indian State", and the words "and State respectively".

(3) Omit section 8.

(4) In section 9 omit "or (so far as regards any Indian State) the Central Government".

(5) Omit sections 28 to 36, 47, the last three paragraphs of section 48 and sections 54, 55, 56, 62(2), 84 and 86.

.....

(1) Omit the second sentence of section 1.

(2) In sections 3 and 4 the words "British India" shall stand unmodified.

(1) Omit the second sentence of section 1.

(2) In section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(1) In section 1 omit the second and third paragraphs.

(2) Sections 9, 45 and 56 shall stand unmodified.

(1) In section 1 omit the second and third paragraphs.

(2) In sections 5, 7 and 8 for "Provincial Government" substitute "Resident subject to the control of the Crown Representative".

.....

(1) In section 1 the words "by order of any Government in British India" shall stand unmodified; and after those words, the words "or of the Crown Representative" shall be inserted.

(2) Omit section 2.

(3) In sections 6, 7, 11, 13, 15, 16, 17(c), 18, 25, 26, 30 and 32 for "Central Government" substitute "Resident".

(1) Omit the preamble and the words from "nothing herein contained" to the end a section 1.

17. The Special Marriage Act, 1872 (III of 1872).

18. The Indian Contract Act, 1872 (IX of 1872).

19. The Indian Christian Marriage Act, 1872 (XV of 1872).

20. The Government Savings Banks Act, 1873 (V of 1873).

21. The Indian Oaths Act, 1873 (X of 1873).

22. The Indian Majority Act, 1875 (IX of 1875).

23. The Specific Relief Act, 1877 (I of 1877).

24. The Opium Act, 1872 (I of 1872).

25. The Indian Treasure Trove Act, 1878 (VI of 1878).

26. The Indian Arms Act, 1878 (XI of 1878).

27. The Hackney-carriage Act, 1879 (XIV of 1879).

(2) For section 2 substitute—

"2. In this Act, "Hackney-carriage" means any wheeled vehicle, drawn or pushed by a man or horse, bullock or other animal and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance".

(3) In section 3 omit the first paragraph; and in the second paragraph for the words from the beginning to "Committee of such municipality" substitute "The municipal commission of the Civil and Military Station of Bangalore"; and for the words "limits of such municipality" substitute "limits of the said Station".

(4) In section 6 at the end of clauses (a) and (b) insert "under this Act or any similar law for the time being in force in Bangalore City"; and in clause (c) after "granted" insert "including the grounds on which they shall be liable to be revoked or suspended".

(5) After section 10 add the following new section—

"11. *Penalty for Injury of Hackney-carriage.*—Any person using a hackney-carriage and wilfully or negligently injuring the same, shall, on conviction before a Magistrate, be punished with fine which may extend to twenty rupees and shall also pay to the owner such sum as compensation as the Magistrate may think fit, which shall be recoverable as if it were a fine."

28. The Kazis' Act, 1880 (XII of 1880) .
29. The Vaccination Act, 1880 (XIII of 1880).

30. The Municipal Taxation Act, 1881 (XI of 1881).

31. The Negotiable Instruments Act, 1881 (XXVI of 1881).

32. The Indian Trusts Act, 1882 (II of 1882).

Omit the second paragraph of section 1.

(1) Omit the second paragraph of section 1, and sections 3, 4, 5 and 20.

(2) In section 23 for "any municipality" substitute "the Civil and Military Station of Bangalore".

(1) In sections 3 and 6 for "a municipality" substitute "the Civil and Military Station of Bangalore".

(2) Omit sections 3A and 5.

(1) All references to the Central Government shall be construed as references to the Resident.

(2) In section 1 omit "and it shall come into force on the first day of March, 1882".

(3) In section 11 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(1) In section 1 omit the words from "and it shall come into force" to "British India".

(2) In section 20—

(i) clauses (a) to (c) shall stand unmodified;

(ii) at the end of clause (d) insert "or in debentures or other securities for money issued by the Government of Mysore or under the authority of the Crown Representative"; and

(iii) in clause (e) after "British India" insert "or in the territories of Mysore including the Civil and Military Station of Bangalore",

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83. The Transfer of Property Act, 1882 (IV of 1882).

84. The Land Improvement Loans Act, 1883 (XIX of 1883).

85. The Indian Explosives Act, 1884 (IV of 1884).

86. The Indian Telegraph Act, 1885 (XIII of 1885).

87. The Suits Valuation Act, 1887 (VII of 1887).

88. The Provincial Small Cause Courts Act, 1887 (IX of 1887).

89. The Measures of Length Act, 1889 (II of 1889).

90. The Indian Merchandise Marks Act, 1889 (IV of 1889).

91. The Revenue Recovery Act, 1890 (I of 1890).

(1) In section 1 omit the second, third, fourth and last paragraphs.

(2) In the definition of "registered" in section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(3) In section 52 the words "British India" shall stand unmodified.

Omit sub-section (2) of section 1.

(1) Omit section 2.

(2) In sections 5 and 7 for "Central Government" substitute "Crown Representative or the Resident with the previous sanction of the Crown Representative".

(3) In section 9 for "Central Government" substitute "Resident".

(4) In section 14 for "any Government in British India" substitute "Crown Representative or the Resident".

(1) Omit subsections (2) and (3) of section 1 and section 2.

(2) In subsection (1) of section 4 omit the words "on ships within Indian territorial waters and" and the words "or Indian territorial waters".

(3) In section 15 for "Central Government" substitute "Resident".

(4) Omit section 34.

Omit Part I.

(1) Omit subsections (2) and (3) of section 1 and section 2.

(2) At the end of section 24 insert—

"Or, where the presiding Judge is the District Judge to the Court of the Resident".

Omit subsections (2) and (3) of section 1, and sections 3 and 7.

(1) Omit subsections (2) and (3) of section 1, sections 10 and 11, in section 13 the words "or section 18 of the Sea Customs Act, 1878, as amended by this Act" and in section 19 the words "and clause (f) of Section 18 of the Sea Customs Act, 1878, as amended by this Act".

(2) In section 16 for "Central Government" substitute "Resident".

(1) Omit subsection (2) of section 1.

(2) For section 8 substitute—

"8. The provisions of this Act shall apply to the recovery in the Civil or Military Station of Bangalore of any arrear of land revenue, or sum recoverable as an arrear of land revenue payable to a Collector or other public officer or to a local authority in any part of British India or in any area which is not part of British India but which is under the administration of the Central Government or of the Crown Representative and to which the Revenue Recovery Act, 1890, has been applied.

42. The Charitable Endowments Act, 1890 (VI of 1890).

8A. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue or of any other sum which is, under section 193 of the Mysore Land Revenue Code, 1888 (Mysore Regulation IV of 1888), leviable in accordance with the provisions of Chapter XI of the said Code."

(1) Omit subsections (2) and (3) of section 1.

(2) In section 3—

(i) in subsection (1) for the words from "India" to "the Province" substitute "the Civil and Military Station of Bangalore"; and

(ii) in subsection (2) for "India or as the case may be the Province" substitute "the Civil and Military Station of Bangalore".

(3) Omit section 3A and the proviso to subsection (4) of section 5.

(4) In section 12 for the words from the beginning to "any other reason" substitute "If for any reason".

(5) All references to the appropriate Government shall be read as referring to the Crown Representative.

43. The Guardians and Wards Act, 1890 (VIII of 1890).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 3 the words "High Court established in British India" shall stand unmodified.

44. The Indian Railways Act, 1890 (IX of 1890).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 3 omit clause (20) and for clauses (21) and (22) substitute—

"(21) 'the safety controlling authority' or 'the general controlling authority' means the Crown Representative".

(3) In section 8A omit from "or the doing" to the end of the section.

Omit subsections (2), (3) and (4) of section 1.

45. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).

46. The Bankers' Books Evidence Act, 1891 (XVIII of 1891).

47. The Partition Act, 1893 (IV of 1893).

48. The Land Acquisition Act, 1894 (I of 1894).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 41 for "with the Provincial Government" substitute "with the Crown Representative".

49. The Crown Grants Act, 1895 (XV of 1895).

50. The Epidemic Diseases Act, 1897 (III of 1897).

51. The General Clauses Act, 1897 (X of 1897).

Omit subsection (2) of section 1, and section 2A.

(1) Sections 3, 4 and 4A shall stand unmodified:

Provided that for the interpretation of any enactment in the Civil and Military Station of Bangalore the definitions contained in these sections shall be applicable only after effect has been given to any modification, restriction or rule of construction prescribed in respect of the enactment by this Order.

(2) Omit sections 5 and 5A.

52. The Code of Criminal Procedure, 1898
(V of 1898).

(1) In section 1 omit the words "and it shall come into force on the first day of July, 1898" and the words from "or shall apply to" to the end of the section.

(2) Omit clause (f) of subsection (1) of section 4 and sections 22 and 25.

(3) In subsection (2) of section 45 the words "Central Government" shall stand unmodified.

(4) For the purposes of sections 99B to 99F, the High Court of Judicature at Madras shall be the High Court.

(5) In section 197 for clauses (a) and (b) of subsection (1) substitute "of the Resident"; in subsection (2) for the words from the beginning to "individual judgment" substitute "The Resident"; and omit subsection (3).

(6) Omit section 266.

(7) In sections 401 and 402 for "Provincial Government" substitute "Crown Representative or the Resident".

(8) Omit section 402A.

(9) In subsection (1) of section 503 after "such attendance and" insert "if such witness resides in British India or in any area to which this Code has been applied"; and subsection (2) shall stand unmodified.

(10) For subsection (1) of section 527 substitute—

"(1) The Crown Representative may, by notification in the Official Gazette, direct the transfer of any particular case from the Court of the Resident or from any Criminal Court subordinate to that Court to any other Criminal Court of equal or superior jurisdiction acting under the authority of the Crown Representative whenever it appears to him that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses."

(11) In section 565 for "British India" substitute "British India or the Civil and Military Station of Bangalore"; and that words "Central Government" shall stand unmodified.

(12) Nothing in the Code, as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.

53. The Indian Post Office Act, 1898 (VI of 1898).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 2 in clause (b), except in the proviso, and in clause (d) the words "Central Government" shall stand unmodified.

(3) Omit Chapter VIII.

54. The Indian Stamp Act, 1899 (II of 1899).

(1) In section 2 omit clause 12A and in clause 16A for "British India" substitute "British India or in the Civil and Military Station of Bangalore".

(2) Omit subsections (2) and (3) of section 1, and sections 57, 58 and 59.

(3) In section 60—

(i) in subsection (1) omit "other than a Court mentioned in section 57" and the words from "or Chief Court" to "refer the same"; and

(ii) for sub-section (2) substitute—

“(2) Such Court shall consider the case and send a copy of its decisions to the Judge making reference who shall on receiving such copy dispose of the case conformably to such decision.”.

(4) In section 76A omit the words “Central Government subject to the provisions of section 124(1) of the Government of India Act, 1935 and the”.

(5) All references to the collecting Government shall be read as referring to the Resident.

55. The Indian Arbitration Act, 1899 (IX of 1899).

(1) Omit sub-sections (2) and (3) of section 1 and section 2.

(2) In section 4 omit the words “in the Presidency-towns the High Court and elsewhere”.

....

56. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899).

Only the following sections shall apply as hereby modified, namely:—

“29. *Removal of Prisoners.*—(1) The Crown Representative may, by general or special order provide for the removal of any person—

(i) sentenced by a Court to—

(a) death,

(b) imprisonment or transportation or

(c) imprisonment in default of payment of fine, or

(ii) ordered by a Court to be imprisoned for default of giving security for keeping the peace or for maintaining good behaviour,

to any prison in British India.

(2) With the sanction of the Crown Representative, the Resident may, in like manner, provide for the removal of any person sentenced or ordered to be imprisoned as aforesaid to any prison in the Mysore State.

30. *Lunatic prisoners how to be dealt with.*—

(1) Where it appears to the Resident that any person detained or imprisoned under any order or sentence of a Court is of unsound mind, the Resident may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody in the Mysore State so appointed with the sanction of the Crown Representative there to be kept and treated as the Resident directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Resident that the prisoner has become of sound mind, the Resident shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to any other

prison as provided by section 29, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) When a person is confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, it shall be lawful for two or more visitors of the asylum, of whom one shall be a medical officer by writing under their hands, order to order that he shall be discharged, provided that notice of such order shall be immediately communicated to the Resident.

(4) The time during which a prisoner is confined in a lunatic asylum under sub-section (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo."

(2) For the purpose of these sections, as applied, "Court" means any officer or tribunal in the Civil Military Station of Bangalore lawfully exercising criminal jurisdiction and includes a Justice of the Peace appointed by the Crown Representative within the Mysore State.

58. The Indian Works of Defence Act, 1903 (VII of 1903).

(1) Omit sub-section (2) of section 1.

(2) In clause (c) of section 2 the word "Central Government" shall stand unmodified.

(3) In clauses (f) and (g) of section 2, section 3, 4, 6(1), 7, 31, 38 and 39 for "Central Government" substitute "Resident".

(4) In sub-section (8) of section 6 and section 9, for "Central Government" substitute "Resident with the previous sanction of the Crown Representative".

59. The Ancient Monuments Preservation Act, 1904 (VII of 1904).

(1) Omit sub-section (2) of section 1.

(2) In sections 2(3), 3, 4, 10A, 14 (where the words occur for the first time), 15 (where the words occur for the first and third times), 17(5), 18, and 19, for "Central Government" substitute "Resident".

60. The Indian Coinage Act, 1906 (III of 1906).

(1) Omit sub-section (2) of section 1.

(2) In sections 16 and 20 for "authorised by the Central Government" substitute "authorised by the Crown Representative or by the Resident".

61. The Code of Civil Procedure, 1908 (V of 1908).

(1) Omit sub-sections (2) and (3) of section 1.

(2) In clause (5) of section 2 and sections 10 and 16 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore; and the word "Central Government" shall stand unmodified.

(3) In section 24—

(i) after sub-section (1) add the following sub-section (1a) namely:—

"(1a) If in any case in which it would have been competent to the Court of the Resident to exercise the power conferred by sub-clause (ii) of clause (b) of sub-section (1) there is no subordinate Court to which the suit, appeal or other proceeding can be transferred, or there is such subordinate Court but there is good reason why the suit, appeal or other proceeding should not be transferred to it, the Court of the

Resident may make a report to the Crown Representative who may, by notification in the official Gazette, transfer such suit, appeal or proceeding to any Court under this authority which would have been competent to try or dispose of such suit, appeal or proceeding if the cause of action had arisen within the local limits of its jurisdiction. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."

(ii) in subsection (2) for the words and figure "under subsection (1)" substitute "under subsection (1) or subsection (1a)".

(4) For subsection 1 of section 25 substitute—

"(1) Where any party to a suit, appeal or other proceeding pending in the Court of the Resident objects to its being heard by that Court and the Court is satisfied that there are reasonable grounds for the objection, the Court shall make a report to the Crown Representative who may, by notification in the Official Gazette, transfer such suit, appeal or proceeding to any High Court in British India or in an administered area. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."

(5) In the proviso to section 29 after "summons" insert "are situate in British India or"; and the words "Central Government" shall stand unmodified.

(6) In section 43 for "to which the provisions relating to execution do not extend" substitute "or British Burma or the Civil and Military Station of Bangalore"; and for "in British India" substitute "in the Civil and Military Station of Bangalore"; but, save as aforesaid, the section shall stand unmodified.

(7) In section 44 for "Provincial Government" substitute "Crown Representative" and the words "Central Government" shall stand unmodified.

(8) In section 45 after "any Court" insert "situate in British India or"; and the words "Central Government" shall stand unmodified.

(9) In clause (c) of section 78 the words "Central Government" shall stand unmodified, and for clause (b) substitute—

"(b) Courts situate in British India or in any other part of the British Empire".

(10) Sections 79 and 80 shall stand unmodified.

(11) In subsection (1) of section 85 for "Government" substitute "Crown Representative" and omit the Explanation.

FIRST SCHEDULE.

- (12) At the end of rule 25 of Order V add—
 “Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service.”
- (13) The provisions of rule 48 of Order XXI shall apply only to those cases in which the salary or allowances are payable in the Civil and Military Station of Bangalore.
- (14) In rule 49 of Order XXI the words “British India” shall be read as referring to British India and the Civil and Military Station of Bangalore.
- (15) Rule 8B of Order XXVII shall stand unmodified.
62. The Explosive Substances Act, 1908 (VI of 1908).
 (1) Omit subsection (2) of section 1.
 (2) In section 4 for “British India” substitute “India”.
 (3) In section 7 for “Central Government” substitute “Resident”.
63. The Indian Limitation Act, 1908 (IX of 1908).
 (1) Omit subsections (2) and (3) of section 1.
 (2) In section 13 for the words “and from” substitute “the Mysore State and”; but, save as aforesaid, the section shall stand unmodified.
 (3) Article 149 of the First Schedule shall stand unmodified.
64. The Indian Criminal Law Amendment Act, 1908 (XIV of 1908).
 Omit subsection (2) of section 1.
65. The Indian Registration Act, 1908 (XVI of 1908).
 (1) Omit subsection (3) of section 1.
 (2) In subsection (1) of section 33 after the words “power-of-attorney resides” in clause (a) and after “does not reside” in clause (c) insert “in the Civil and Military Station of Bangalore or”; but, save as aforesaid the subsection shall stand unmodified.
 (3) Omit section 67.
66. The Whipping Act, 1909 (IV of 1909).
 (1) Omit subsection (2) of section 1.
 (2) In section 5 for “Provincial Government” substitute “Crown Representative”.
 (3) Omit section 6.
67. The Indian Electricity Act, 1910 (IX of 1910).
 (1) Omit subsections (2) and (3) of section 1.
 (2) In section 32 for “Central Government” substitute “Resident”.
 (3) In subsection (1) of section 35 omit the words from “and each Provincial Government” to “the Province”; and in subsection (2) the words “or the Provincial Government, as the case may be”.
 (4) In section 36 omit the words “in relation to mines, oil-fields and railways” in subsection (1), the whole of subsection (2) and the words “or the Provincial Government, as the case may be” in subsection (3).
 (5) Omit section 36A.

68. The Prevention of Seditious Meetings Act, 1911 (X of 1911).

69. The Co-operative Societies Act, 1912 (II of 1912).

70. The Indian Lunacy Act, 1912. (IV of 1912).

71. The Provident Insurance Societies Act, 1912 (V of 1912).

72. The Indian Life Assurance Companies Act, 1912 (VI of 1912).

73. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).

(6) In section 37 for "Central Electricity Board" substitute "Crown Representative".

(7) Omit subsections (1) and (2) of section 38.

(1) Omit subsection (2) of section 1.

(2) In section 2 for "Provincial Government" substitute "Resident with the previous sanction of the Crown Representative".

In subsection (2) of section 28 for "The Government" substitute "The Resident" and omit the last paragraph.

(1) Omit subsection (2) of section 1.

(2) In clause (1) of section 3 for "any Government in British India" substitute "the Crown Representative in the Civil and Military Station of Bangalore or appointed by the Resident with the consent of the Mysore Durbar and with the sanction of the Crown Representative in the Mysore State or established or licensed by any Government in British India".

(3) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.

(4) Omit section 17.

(5) In subsection (1) of section 31 for "Three" substitute "Two or more".

(6) In subsections (1) and (2) of section 35 for "any other Province" substitute "any Province in British India".

(7) The provisions of Chapter IV shall not be applicable except for the purposes of Chapter IV.

(8) At the end of section 84 insert "or with the consent of the Mysore Durbar and with the sanction of the Crown Representative may appoint an asylum in the Mysore State".

(9) In section 85 after the words "class of lunatics" insert "to any asylum in the Mysore State appointed by the Resident under section 84 or"; and for the words "other Province" substitute "British Indian Province".

(10) Omit subsection (2) of section 89A and section 89B.

(11) In clause (a) of section 91(1) omit all words after "under this Act".

(12) In section 98 the words "Central Government" shall stand unmodified.

(1) Omit subsection (2) of section 1.

(2) In sections 2, 24 and 28 for "Central Government" substitute "Resident".

(1) Omit subsection (2) of Section 1.

(2) In clause (9) of section 2 for "Central Government" substitute "Resident".

Omit subsection (2) of section 1.

74. The Official Trustees Act, 1913 (II of 1913).

- (1) In section I—
 - (i) for sub-section (2) substitute:
 - “(2) It extends to the Civil and Military Station of Bangalore and applies only to persons who are not subjects of His Majesty”; and
 - (ii) omit sub-section (3).
- (2) In section 2 for clauses (1), (2) and (8) substitute:
 - “(1) ‘Government’ means the Resident;”
 - “(2) ‘High Court’ means His Majesty’s High Court of Judicature at Madras, in the exercise of its original jurisdiction;”
 - “(8) ‘Division’ means the Civil and Military Station of Bangalore.”
- (3) In section 4—
 - (i) for sub-section (1) substitute:
 - “(1) the Government shall appoint an Official Trustee for the Division”; and
 - (ii) In sub-section (2) omit clause (d).
 - (4) Omit the proviso to sub-section (2) of section 24 and section 32A.

75. The Mussalman Wakf Validating Act, 1913 (VI of 1913).

76. The Indian Companies Act, 1913 (VII of 1913).

- (1) Omit sub-sections (2) and (3) of section 1.
- (2) In section 144—
 - (i) the words “Central Government” in sub-section (1) shall stand unmodified.
 - (ii) omit subsections (2) and (2A); and
 - (iii) in subsection (2B) after “this section” insert “as in force in British India”.
- (3) In subsection (1) of section 245 the words “British India” shall be read as referring to British India and the Civil and Military Station of Bangalore; and the words “Central Government” shall stand unmodified.
- (4) Omit section 289A.
- (5) All references to the Central Government except in sections 144 (1) and 245, shall be read as referring to the Resident.

77. The Indian Copyright Act, 1914 (III of 1914).

78. The Indian Motor Vehicles Act, 1914 (VIII of 1914).

- Omit sub-section (2) of section 1.
- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 6 for “By the Provincial Government” substitute “under section 11”.
- (3) In section 8 for “such area as may be specified therein” substitute “the Civil and Military Station of Bangalore”; and omit the proviso.
- (4) In subsection (2) of section 10 for “area as may be specified in the certificate of registration” substitute “the Civil and Military Station of Bangalore”; and omit the proviso.
- (5) In section 11—
 - (i) in subsection (1) omit “The Provincial Government”; and after “publication” insert “and to confirmation by the Resident, Municipal Commission of the Civil and Military Station of Bangalore”; and
 - (ii) in subsection (2) for “Provincial Government” substitute “Municipal Commission”.

(iii) in subsection (3) after "this section shall" insert "when confirmed by the Resident"; and

(iv) after subsection (3) add the following:

"(4) The Resident may at any time rescind any rule made and confirmed under this section".

(6) In section 12 omit "by the Provincial Government".

(7) In section 14 omit "for the purpose of implementing any international Convention relating to motor traffic".

(8) In section 15 omit "by the Provincial Government".

(9) In section 17 omit "a Presidency Magistrate or".

(10) After section 18 insert:

"19. *Income and Expenditure.*—The amount of any fees received and the amount of any expense incurred in giving effect to this Act shall be credited and debited respectively to the Municipal Fund of the Civil and Military Station of Bangalore."

79. The Local Authorities Loans Act, 1914 (IX of 1914).

(1) Omit subsection (2) of section 1 and the last paragraph of section 2.

(2) For the words "appropriate Government" substitute, in section 3 and 6, "Crown Representative", and in sections 4 and 5, "Resident".

Omit subsections (2) and (3) of section 1.

80. The Cinematograph Act, 1918 (II of 1918).

Omit subsection (2) of section 1.

81. The Usurious Loans Act, 1918 (X of 1918).

(1) Omit subsection (2) of section 1.

(2) In section 3 omit "across and customs frontier defined by the Central Government".

(3) In section 6 omit "across a customs frontier defined by the Central Government".

Omit subsection (2) of section 1.

83. The Provincial Insolvency Act, 1920 (V of 1920).

(1) Omit subsections (2) and (3) of section 1.

(2) Section 2 shall stand unmodified.

(3) In sections 6, 7 and 9 for "the Government" substitute "the Crown Representative".

(4) In subsection (2) of section 13 for "the Government" substitute "the Resident".

(5) In subsection (1) of section 24 for "Government" substitute "Crown Representative".

Omit subsection (2) of section 1.

85. The Identification of Prisoners Act, 1920 (XXXIII of 1920).

86. The Cutchi Memons Act, 1920 (XLVI of 1920).

.....

Omit subsections (2) and (3) of section 1.

87. The Auxiliary Force Act, 1920 (XLIX of 1920).

(1) Omit sub-section (2) of section 1.

(2) In section 3, the words "British India" shall stand unmodified.

88. The Maintenance Orders Enforcement Act, 1921 (XVIII of 1921).

(3) In section 10, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.

89. The Indian States (Protection against Disaffection) Act, 1922.

90. The Indian Income-tax Act, 1922 (XI of 1922).

Omit sub-section (2) of section 1.

(1) Omit sub-sections (2) and (3) of section 1.

(2) In clause (8) of section 2 for "Central Government" substitute "Resident".

(3) Omit sections 7 (2), 46 (6) and 64.

(4) After section 60 insert the following new section:—

"60A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules under section 59 and any exemptions, reductions in rate or other modifications under section 60 of the Indian Income-tax Act, 1922, for the time being in force in British India subject to any amendments to which such rules, exemptions, reductions or modifications are for the time being subject in British India and with such modifications or restrictions as may be specified in the notifications, and any rules, exemptions, reductions or modifications so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act".

(5) For sub-section (8) of section 66 substitute:—

"(8) For the purposes of this section 'the High Court' means the High Court of Judicature at Madras."

91. The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).

92. The Indian Boilers Act, 1923 (V of 1923).

Omit sub-sections (2) and (3) of section 1.

(1) Omit sub-sections (2) and (3) of section 1.

(2) After section 31 insert the following new section:—

"31A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any regulations under section 28 of the Indian Boilers Act, 1923, for the time being in force in British India subject to any amendments to which such regulations are for the time being subject in British India, and with such modifications and restrictions as may be specified in the notifications, and any regulations so applied shall have effect in the said Civil and Military Station as if made under this Act".

93. The Workmen's Compensation Act, 1923 (VIII of 1923).

94. The Indian Official Secrets Act, 1923 (XIX of 1923).

Omit sub-sections (2) and (3) of section 1.

(1) Omit sub-section (2) of section 1.

(2) In section 2, clause (1A) shall stand unmodified.

(3) In section 13 for the words "appropriate Government", in sub-section (1), substitute "Resident", and for the same words in sub-section (3) substitute "Crown Representative"; and omit sub-section (5).

95. The Criminal Tribes Act, 1924 (VI of 1924).

96. The Indian Soldiers' (Litigation) Act, 1925 (IV of 1925).

- (1) Omit sub-sections (2) and (3) of section 1.
- (2) In section 13 for "Central Government" substitute "Resident"; and omit "after consulting the High Court concerned".
- (3) In section 14 omit from the beginning to "in other cases".

97. The Provident Funds Act, 1925 (XIX of 1925).

- (1) Omit sub-sections (2) and (3) of Section 1.
- (2) In sub-sections (1), (2) and (3) of section 8 for "appropriate Government" substitute "Crown Representative" and omit sub-section (4).

98. The Indian Succession Act, 1925 (XXXIX of 1925).

- (1) Omit section 57, in section 58, the words "save as provided by section 57", sub-section (2) of section 264 and Schedule III.

(2) For section 382 substitute:

"382. Where a certificate in the form of Schedule VIII has been granted under the provisions of this Act by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Crown Representative, or where a certificate in the form, as nearly as circumstances admit, of the said Schedule has been granted to a resident within a foreign State by the British representative accredited to that State or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act".

99. The Government Trading Taxation Act, 1926 (III of 1926).

- (1) Omit sub-section (2) of section 1.
- (2) In sub-section (3) of section 2 after "territory" insert "other than the Mysore State".

100. The Indian Insurance Companies Act, 1928 (XX of 1928).

Omit sub-sections (2) and (3) of section 1.

101. The Trade Disputes Act, 1929 (VII of 1929).

- (1) Omit sub-sections (2) and (3) of section 1.
- (2) In clause (c) of section 2 for "any Government in British India" substitute "the Crown Representative" and in sub-clause (i) of clause (g) omit the words "in the case of a federal railway" and the words "and in the case of any other railway, the Provincial Government".

(3) In section 3 omit the words from "or where the employer" to "a federal railway, the Central Government" and the words "or the Central Government, as the case may be".

(4) In section 8 omit "of the Central Government or".

(5) In sub-section (4) of section 15 for the words from "Central Government" to the end insert "Resident".

(6) Section 16 shall stand unmodified.

(7) For sub-section (2) of section 17 substitute:—

"(2) No court shall take cognizance of any offence under this Act save on complaint made by, or under the authority from the Resident."

(8) For sub-section (1) of section 19 substitute:

"(1) The Resident may make rules for the purpose of giving effect to the provisions of this Act."

102. The Child Marriage Restraint Act, 1929 (XIX of 1929).

Omit sub-sections (2) and (3) of section 1.

103. The Dangerous Drugs Act, 1930 (II of 1930).

(1) Omit sub-sections (2) and (3) of section 1.

(2) For clauses (i) to (m) of section 2, the following clauses shall be substituted—

“(i) ‘to import into the Civil and Military Station of Bangalore’ means subject to the provisions of clause (j) to bring into the Civil and Military Station of Bangalore by land, sea or air;

“(j) ‘to import inter-provincially’ means to bring into the Civil and Military Station of Bangalore from any province of British India and include—

(i) the bringing of a dangerous drug into the Civil and Military Station of Bangalore from any Indian State which the Crown Representative may, by notification in the Official Gazette, declare to be inter-provincial import; and

(ii) bringing into the Civil and Military Station of Bangalore from any province of British India in the course of a continuous journey, by sea or through an Indian State;

(k) ‘to export from the Civil and Military Station of Bangalore’ means subject to the provisions of clause (l), to take out of the Civil and Military Station of Bangalore by land, sea or air;

(l) ‘to export inter-provincially’ means to take out of the Civil and Military Station of Bangalore into any province of British India and includes—

(i) the taking of a dangerous drug out of the Civil and Military Station of Bangalore into any Indian State which the Crown Representative, may by notification in the Official Gazette, declare to be inter-provincial export; and

(ii) taking out of the Civil and Military Station of Bangalore into any province of British India in the course of a continuous journey by sea or through an Indian State; and

(m) ‘to transport’ means to take from one place to another in the Civil and Military Station of Bangalore.”

(3) In sub-section (2) of section 8 for the words “Provincial Government”, where they occur for the first time, substitute “Resident subject to the control of the Crown Representative”.

(4) In section 31 for “appropriate Government” substitute “Resident”, and omit the second sentence.

(5) In section 35 omit the words from the beginning to “with other offences”.

104. The Indian Companies (Amendment) Act, 1930 (XIX of 1930).

- (1) Omit sub-section (2) of section 1.
- (2) In section 3—
 - (i) Omit sub-section (1);
 - (ii) in sub-section (2) for the words from "Provincial Governments" to "so to act" substitute "any Provincial Government in British India before the 1st April 1932 entitling them to Act as auditors within that Province may act as auditors in the Civil and Military Station of Bangalore"; and
 - (iii) add the following sub-section, namely—

"(3) Notwithstanding anything contained in sub-section (2), the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore, any rules under section 8 of the Indian Companies (Amendment) Act, 1930, for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India and to such notifications or restrictions as may be specified in the notification, and any rules so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act."

105. The Indian Press (Emergency) Powers Act, 1931 (XXIII of 1931).

- (1) Omit sub-section (2) of section 1.
- (2) For clause (3) of section 2 substitute "(3) 'High Court' means the High Court of Judicature at Madras".

106. The Indian Partnership Act, 1932 (IX of 1932).

- (1) Omit sub-sections (2) and (3) of section 1.
- (2) In sub-section (1) of section 71 for "Provincial Government" substitute "Crown Representative"; in sub-section (2) omit "also"; and in sub-section (3) for "this section" substitute "sub-section (2)".

107. The Reserve Bank of India Act, 1934 (II of 1934).

- Only sections 26 (1), 31 and 32 shall be applicable subject to the following modifications:—
- (i) in sub-section (1) of section 26 omit the words "subject to the provisions of sub-section (2)" and the words "and shall be guaranteed by the Central Government";
 - (ii) in section 31 omit "as expressly authorised by this Act"; and
 - (iii) in section 32 for "the Bank" substitute "a person empowered in this behalf by the Resident with the sanction of the Crown Representative".

108. The Sugar (Excise Duty) Act, 1934 (XIV of 1934).

- (1) Omit sub-section (2) of section 1.
- (2) In sub-section (1) of section 3 omit the words "on or after the first day of April, 1934" and the words "on or after the said date".
- (3) For section 6 substitute—

"6. The Crown Representative may, by notification in the Official Gazette, prohibit absolutely or with such exceptions, as he thinks fit, the bringing of sugar into the Civil and Military Station of Bangalore from the territory of any specified Indian State."

(4) After section 7 insert the following new section:—

"7A. (1) Whoever, in contravention of any notification issued under section 6, imports or attempts to import sugar into the Civil and Military Station of Bangalore shall be punished with imprisonment, which may extend to six months, or with fine, which may extend to four times the amount of duty which would be payable on the sugar if it were liable to duty in the Civil and Military Station of Bangalore or to one thousand rupees whichever is greater or with both imprisonment and fine.

(2) Whoever abets an offence, punishable under sub-section (1) shall, whether such offence is or is not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence."

(5) Omit section 10.

(6) After section 11 insert the following new section:—

"12. Notwithstanding anything contained in sections 5 and 11, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Sugar (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

109. The Matches (Excise Duty) Act, 1934 (XVI of 1934).

(1) In the preamble omit "and to alter the duty or customs leviable on matches under the Indian Tariff Act, 1894".

(2) Omit sub-section (2) of section 1.

(3) In section 3 omit "on or after the first day of April, 1934".

(4) In section 8 omit in sub-section (1) the words from the beginning to "in the notification" and the words "manufactured after the date of issue of the notification"; and in sub-section (2) the words from the beginning to "in the notification".

(5) In section 9 omit the words from the beginning to "in this behalf".

(6) In sub-sections (1) and (2) of section 12 omit "any direction made under".

(7) Omit sections 16 and 17.

(8) After section 19 insert the following new section:—

"19A. Notwithstanding anything contained in sections 6, 8, 9, 18 and 19, the Crown Representative may, by notification in the Official Gazette, declare

that any rules, orders or notifications under the Matches (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

110. The Indian Carriage by Air Act, 1934 (XX of 1934).

Omit sub-sections (2) and (3) of section 1.

111. The Indian Aircraft Act, 1934 (XXII of 1934).

(1) Omit sub-section (2) of section 1.

(2) For clauses (3) and (4) of section 2 substitute—

"(3) 'import' means bringing into the Civil and Military Station of Bangalore from a place outside British India; and

(4) 'export' means taking out of the Civil and Military Station of Bangalore to a place outside British India".

(3) After section 7 insert the following new section:—

"7A. Notwithstanding anything contained in sections 4, 5, 7 and 8, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules under the Indian Aircraft Act, 1934, for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India, and with such modifications or restrictions as may be specified in the notification; and any rule, so applied, shall have effect in the said Civil and Military Station as if made under this Act."

(4) Omit sections 9, 15 and 19(2).

112. The Mechanical Lighters (Excise Duty) Act, 1934 (XXIII of 1934).

(1) In the preamble omit "and to alter the duty or customs leviable on mechanical lighters under the Indian Tariff Act, 1894".

(2) Omit sub-section (2) of section 1.

(3) In section 7 omit the words from the beginning to "in this behalf".

(4) Omit sections 13 and 14.

(5) After section 15 insert the following new section:—

"15A. Notwithstanding anything contained in sections 5, 11 and 15, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Mechanical Lighters (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time

being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

113. The Factories Act, 1934 (XXV of 1934).

(1) Omit sub-sections (2) and (3) of section 1.
(2) In section 12 the words "British India" shall stand unmodified.

114. The Indian Petroleum Act, 1934 (XXX of 1934).

(1) Omit sub-sections (2) and (3) of section 1.
(2) In section 25 omit "in the Presidency towns by a Presidency Magistrate, and elsewhere".

115. The Parsi Marriage and Divorce Act, 1936 (III of 1936).

(1) In section 1—
(i) for sub-section (2) substitute—
"(2) It extends to the Civil and Military Station of Bangalore and applies only to persons who are not subjects of His Majesty." and

(ii) omit sub-section (3).

(2) For clause (2) of section 2 substitute—

"(2) 'Court' means the Presidency Chief Matrimonial Court at Madras, as constituted under the Presidency Marriage and Divorce Act, 1936, as in force in British India."

(3) For section 7 substitute—

"7. For the purposes of this Act, a Registrar shall be appointed by the Resident and every Registrar, so appointed, may be removed by the Resident.

(4) Omit sections 18 to 27.

(5) The references to the High Court in sections 47 and 51 shall be read as referring to the High Court of Judicature at Madras.

7cl. Dpts.
Notification
No. 148-I.B.,
dated 18th
May 1939
S.N. 2/cp.2
Dis. C. -39.

Central Regulations.

1. The Excise Regulation, 1915 (I of 1915),

(1) Omit sub-sections (2) and (3) of section 1.
(2) In section 2 omit the proviso to clause (19).

Acts of the Provincial Legislatures.

1. The Madras Revenue Summonses Act, 1909 (Madras Act III of 1909). For the word "Taheldars" wherever it occurs, substitute "Amildars".

2. The Places of Public Resort Act, 1888 (Madras Act II of 1888).

(1) Omit sub-section (3) of section 1.

(2) At the end of section 3 insert—

"Provided that the Resident may, by order, exempt from the operation of this section any such enclosed place or building either generally or with reference to its use for any particular entertainment or class of entertainment".

(3) For section (5) substitute—

"5. Such application shall be made to the District Magistrate."

S.N. 22
R.F. 600-40

(4) In section 6 for "shall inspect" substitute "may inspect".

(5) Omit the second sentence of section 14.

2.

3. The Madras Medical Registration Act, 1914 (Madras Act IV of 1914).

(1) Only sections 4 and 23 shall apply.

(2) For the purposes of the said Station, a registered practitioner means a practitioner registered under the Madras Medical Registration Act, 1914.

3

4. The Madras Children Act, 1920 (Madras Act IV of 1920).

(1) For section 6 substitute—

"6. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any State in India, provide for the reception, detention and training of youthful offenders and children belonging to the Civil and Military Station of Bangalore in the certified schools established and maintained in such Province or State and may transfer such youthful offenders and children from one such school to another."

(2) Omit sections 7 to 16, 32, 33, 43, and clauses (a) to (e), (g) to (i) and (n) of sub-section (2) of section 44.

5. The Madras Court Fees (Amendment) Act, 1922 (Madras Act V of 1922).

In section 4 omit "under section 14 of the Religious Endowments Act, 1863 or".

6. The Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

(1) In section 4 for the figures "1922" where they occur for the second time, substitute the figures "1923".

(2) In section 7, the words "British India" shall stand unmodified; for "in the said Presidency" substitute "in the Civil and Military Station of Bangalore", and omit "other than the Presidency of Madras".

7. The Madras Borstal Schools Act, 1925 (Madras Act V of 1926).

(1) For section 3 substitute—

"3. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any Indian State, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established or maintained in any such Province or State and may remove an inmate from one such school to another, provided that the whole period of his detention in the Borstal School shall not be increased by such removal."

(2) Omit sub-section (3) of section 1, clauses (a) to (d) of sub-section (2) and sub-section (4) of section 4, sections 5, 10, 13, 15, 16, 17, the second paragraph of section 20 and section 21.

B. J. GLANCY,

Secy. to H. E. the Crown Representative,

14 116

S. N. 12

190

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

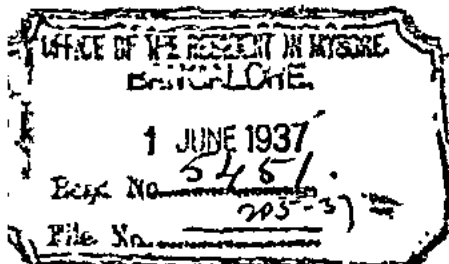
No.1470-D-37.

Dated 28th May 1937. 193

FROM

L. J. MacIver, Esquire., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

TO



The Secretary to the Hon'ble the Resident in Mysore,
BANGALORE.

S. N. 8
C. P. 63.

Enactment in force in the station - proposal
to repeal Khots Leases Act (Bombay Act I of -
1865) and Bombay Act IV of 1868 .. your letter
No. F.205-37/R.O.I dated 16-4-37 and 13-5-37.

The Superintendent, Government Printing and Stationery
Bombay to whom a requisition was made for supply of Bombay
Act V of 1879 states that the publication asked for is out
of stock. I would, therefore, request you kindly to address
the Secretary of the Board of Revenue, Bombay, to send a copy
of the latest Revenue Act in force at Bombay, for examination.

I have the honour to be

Sir,

Your most obedient servant,


COLLECTOR.



S-N. 13

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 2nd June 1937.

Issued
Asst.
3/6.

No. F.205-37
R. O. I.

A copy of the undermentioned paper(s) is forwarded to the

1. Collector and District Magistrate,
2. Residency Surgeon,
3. Commissioner of Police,
4. District and Sessions Judge and Registrar of Assurances,
5. Inspector of Schools, Coorg and Bangalore,
6. Officer in charge of the Hon'ble the Resident's Treasury,
7. Assistant Commissioner of Income Tax,
8. President, Municipal Commission,

Civil and Military Station, Bangalore.

for information, ~~in continuation of~~ ~~with reference to~~ ~~the correspondence ending with his~~

Memorandum
letter from
endorsement

No.

~~dated the~~

By order, etc.,

Secretary
Asst. Secy. to the Resident.

LIST OF PAPERS.

Notification by the Hon'ble the Resident in Mysore, No. 49, dated the 11th May 1937.

(with 5 spare copies to No.(1) and 3 spare copies to ^{No.}(4) &

Mas
2.6.37

1621-2-4-1935-2,000-RPB.

Asst.
2.6.37 1/1/37

S. N. 17

DEPARTMENT.
BRANCH.

File No.

Serial No.

Draft

✓ Letter
Memorandum
Telegram

No. 205-37 Dated 3rd June 1937
R.O. 1

Ordinary
Express
Urgent*
Priority
Clear Line†

*Only for
Foreign
Telegrams.

†Not for
Foreign
Telegrams.

To

The Secretary to the Government
of Bombay,
Revenue Department.

Sir,

I am directed to request that
if there is no objection, two copies
of the latest edition of the Revenue
Code in force in the Bombay Presiden
may kindly be furnished for the use
of this Residency.

I have etc.,

AB
3/6.
for Secretary to the Resident.

mas
2.6.37

ASAM
2.6.37

Class for telegrams

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S. 5.

MGIFC-S1-1589(CPS) MFP-(M-1738)-19-2-35-50,000 P2.

S. N. 15

Telephone No. 9135

Telegrams : "PRINTING STATIONERY, BOMBAY"

G.C.P.-(J) V 51-5000-11-32-K4 & X4 (Supr.)
G.R., G.D., No. 3450 dated 17-3-24

Office of the Superintendent, Government Printing and Stationery,
Bombay Presidency

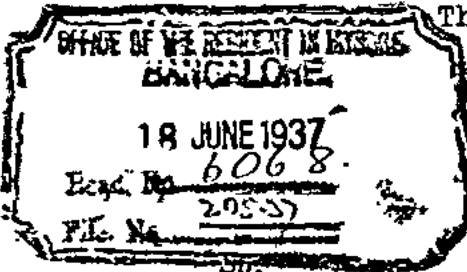
No. D/457 of 1937-38.

Bombay, 15th June, 1937.

From

J. A. Neale, Esquire, J.P.
Superintendent,
Government Printing and Stationery, Bombay;

To



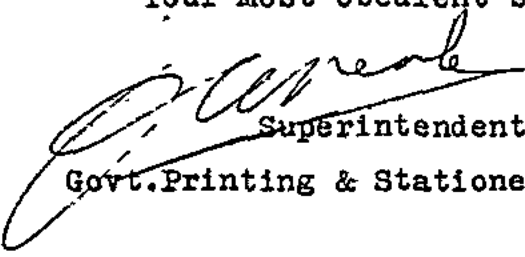
The Secretary to
the Hon'ble the Resident in Mysore,
BANGALORE.

Subject :- Bombay Land Revenue Code.
---oOo---

With reference to your letter No. F.205-37
R.O.I

dated the 3rd June 1937 addressed to Government in the
Revenue Department, Bombay, I have the honour to state
that Bombay Land Revenue Code is out of stock and is
being revised. Two copies of same will be supplied to
you as soon as it is ready for issue.

Your most obedient servant,


Superintendent,
Govt. Printing & Stationery, Bombay.

V.S.J.14/6.

S. N. 16

69

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,
Bangalore, the 29th June 1937.

Issued
29/6/37.

Issued
As Rao
26/6

No. F. 205-37
R. O. I.

A copy of the undermentioned paper(s) is forwarded to the

Collector, Civil and Military Station, Bangalore,

[for information] ~~in continuation of~~ the ~~correspondence ending with his~~
~~with reference to~~
memorandum
letter from
endorsement

S.N. 12 No. 1470-D-37, dated the 28th May 1937
C.P. 90

By order, etc.,

Secretary
Asst. Secy. 26/6 to the Resident.

LIST OF PAPERS.

S.N. 15
C.P. 93
P. U. C.

Letter from the Superintendent, Government Printing and
Stationery, Bombay, No. D/457 of 1937-38, dated the 15th June 1937

Mas
25.6.37

1687-12-3-1937-2,000-BPB.
As Rao
25.6.37

jc 7/7
S. N. 19.

197

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Ref. No. 1470-D-37

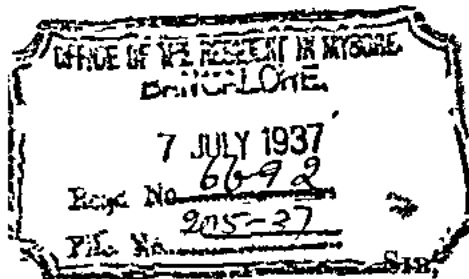
Dated 3rd July 1937.

FROM

L.J. MacIver, Esquire, I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION;
BANGALORE.

TO

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.



Introduction of Bombay Land Revenue Code -
proposals for - adaptation of Bombay Acts (I of 1865
& IV of 1868) - your No. F.205-37/R.O.I., dated
29-6-1937.

© * S.N. 16
Cor. p. 94

I would request you kindly to let me know whether
the two Bombay Acts (I of 1865 and IV of 1868) that were
in force till recently in the Station may continue to be
followed until the application of the Bombay Land Revenue
Code is decided. The above acts have been omitted from the
C. & M. Station (Application of Laws) Order, 1937 - published
in the Hon'ble the Resident's Notification No. 48 dated
11-5-1937.

I have the honour to be,

Sir,

Your most obedient servant,

L. J. MacIver.
COLLECTOR.



All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

S. N. 20

No. F.205-37
R.O.I

692

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Collector,

Civil and Military Station, Bangalore.

Dated Bangalore, 22nd July 1937.

INTRODUCTION OF THE BOMBAY LAND REVENUE
CODE IN THE STATION.

SIR,

With reference to your letter Ref.No.1470-D-37, dated

S.N.19

C.P.97

the 3rd July 1937, I am directed to say that the Crown Representative has been addressed already on the subject, and a further letter will follow after the receipt of a reply. Meanwhile we await your examination of paragraph 2 of my letter No.F.205-37/R.O.I, dated 16th April 1937.

I have the honour to be,

Sir,

Your most obedient servant,

YC

SECRETARY TO THE RESIDENT.

hu.

BJ

~~S.N. 21~~ S.N. 21.

199

No. F.205-37
R.O. I

From

The Hon'ble Lieut. Colonel C.T.C. Flowden, C.I.D.,
Resident in Mysore.

To

The Secretary to His Excellency
the Crown Representative, Simla.

Dated Bangalore, the 24th July 1937.

MODIFICATIONS IN THE ENACTMENTS APPLYING
TO ADMINISTERED AREAS CONSEQUENT ON THE
COMMENCEMENT OF PART III OF THE GOVERN-
MENT OF INDIA ACT, 1935.

Sir,

I have the honour to refer to the correspondence ending with my Express letter No. F.205-37/R.O.I, dated the 5th July 1937, and to forward the following further comments on the modifications and restrictions to which the Acts extended to the Civil and Military Station have been subjected.

I note that in some of the Acts, there are certain provisions which are obviously inoperative in the Station; e.g. sections 3 to 5 and 36 of the Court Fees Act, 1870, section 6(b) of the Indian Post Office Act, 1898, section 44 B of the Indian Income-tax Act, 1922, section 16 of the Mechanical Lighters (Excise Duty) Act, 1934. I have not suggested the omission of these and similar inoperative provisions in other Acts. There are numerous verbal modifications that might be made; but they have not been suggested where it appears that there will be no practical objection to the words concerned remaining in their present form, in view of paragraph 7 of the notification.

I have suggested the amendment of the schedule by the inclusion in the appropriate place of one more Act, namely, the Sale of Goods Act, 1930, with the modifications proposed in

Issued
6/24/7/37.

① S.N. 18
C.P. 96

Act IV 2/1930

proposed in respect of that Act (Vide 103-A in the schedule).

SCHEDULE.

Acts of the Central Legislature.

2. The Apprentices Act, 1850 (XIX of 1850).

Section 23 may be retained with the following modification:-

"For the words from 'British subjects' to 'Island of Bombay' substitute 'persons' ".

7. The Indian Penal Code, 1860 (XLV of 1860).

Section 14:- "British India" shall stand unmodified.

15. The Pensions Act, 1871 (XXIII of 1871).

In the first modification, the figure "II" after "Schedule" may be omitted.

In section 14, the words "In each province" may be omitted.

16. The Indian Evidence Act, 1872 (I of 1872).

In modification (2) after the figure "32" add "and clauses (4) and (6) of section 57". In modification (4) the words "and in exception 2 to section 91" may be deleted, and for the figures "74 and 79" may be substituted "36, 57(7), 74, 78(5), 79 and 83".

If there is no objection, modification (2) in Notification No.261-I., dated the 24th April 1929 may be added as modification (5).

19. The Indian Christian Marriage Act, 1872 (XV of 1872).

Section 37:- omit "instead of proceeding in the manner provided by sections 28 to 36, both inclusive", as section 28 to 36 have been omitted in modification (5).

27. The Hackney-Carriage Act, 1879 (XIV of 1879).

Paragraphs 3 and 4 of section 3:-

for "Commissioner" substitute "Resident".

29. The Vaccination Act, 1880 (XIII of 1880).

Section 8:- For "Commissioner" substitute

"President, Municipal Commission, Civil and Military Station, Bangalore".

Sections 21 and 22(c):- Omit "or 20".

32. The Indian Trusts Act, 1882 (II of 1882).

For modification No.(2)(ii) substitute the following:-

"British India" shall stand unmodified in clause (d), at the end of which insert "or in debentures or other securities for money issued by the Government of Mysore or under the authority of the Crown Representative".

For (iii) of the same modification substitute the following:-

In clause (e) for "British India" substitute "British India or in the territories of Mysore including the Civil and Military Station of Bangalore".

36. The Indian Telegraph Act, 1885 (XIII of 1885).

In sub-section (2) of section 3, and sections 4, 6, 7, 8, 10, 19, 26 and 27 "Central Government" shall stand unmodified.

(19-Baloo)

42. The Charitable Endowments Act, 1890 (VI of 1890).

Section 12:- For "that Government" substitute "he".

43. The Guardian and Wards Act, 1890 (VIII of 1890).

Section 2(1):- Omit "On and from that day".

52. The Code of Criminal Procedure, 1898, (V of 1898).

Section 539:- For "British India" substitute

"British India or the Civil and Military Station of Bangalore".

(The

(The adaptation of section 527 to admit of a transfer of cases from the Station to Courts in British India as in Administered areas has been suggested - vide my letter No.F.1032/36-R.O.I, dated the 19th June 1937).

53. The Indian Post Office Act, 1898 (VI of 1898).

For modification (2) read:-

Through^{out} the Act the words "Central Government" shall stand unmodified.

Add as modification (4):- Omit section 57.

61. The Code of Civil Procedure, 1908 (V of 1908).

In modification (3) for the words "under his authority" substitute "in British India or in an administered area". (This provision is suggested to admit of a transfer of this class of cases to Courts in British India as it existed in the 1929 Notification).

65. The Indian Registration Act, 1908 (XVI of 1908).

Omit sub-section (2) of section 30; renumber 30(1) as 30.

68. The Prevention of Seditious Meetings Act, 1911 (X of 1911).

Sections 4(1)(a), 5 and 7:-

Omit "or the Commissioner of Police, as the case may be,".

76. The Indian Companies Act, 1913 (VII of 1913).

Section 200:- Substitute -

"Any order made by a Court in British India for or in the course of the winding up of a Company shall be enforced in the Civil and Military Station of Bangalore, by the Court that would have had jurisdiction in respect of such company if the registered office of the company had been ~~at~~ situated in the Civil and Military Station and in the same manner in all respects as if such order had been made by that Court."

93. The Workmen's Compensation Act, 1923 (VIII of 1923).

Section 2 (1)(1) shall stand unmodified.

98. The Indian Succession Act, 1925 (XXXIX of 1925).

For the proviso to section 273 substitute:-

"Provided

"Provided that probates and letters of administration granted under the Act as in force in British India or under the Act as applied in any area outside British India which is under the administration of the Crown Representative (a) by a High Court, or (b) by a District Judge, where the deceased at the time of his death had a fixed place of abode situate within the jurisdiction of such Judge, and such Judge certifies that the value of the property affected in the Civil and Military Station of Bangalore does not exceed ten thousand rupees, shall, unless otherwise directed by the grant, have the same effect as grants made under this Act".

Section 382:- Omit "under the provisions of this Act".

103-A. The Indian Sale of Goods Act, 1930 (III of 1930).

Omit sub-section (2) and (3) of section 1.

115. The Parsi Marriage and Divorce Act, 1936 (III of 1936).

At the end of clause (2) of section 2 add, "and

'delegates' means the delegates appointed by the Government of Madras under section 24 of the Act in force in British India".

Acts of the Provincial Legislature.

7. The Madras Borstal Schools Act, 1925 (Madras Act V of 1926).

Modification (2):- The sub-section to be omitted is (3) of section 2 and not of section 1.

I have the honour to be,
Sir,
Your most obedient servant

o/c R.

for RESIDENT.

W.P.

S. N. 22.

1104

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. 1470/D/37.

Dated 28th July 1937. 1836

FROM

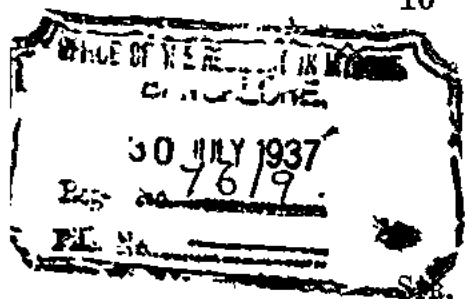
L. J. MacIver, Esquire., I.C.S.,

COLLECTOR, CIVIL AND MILITARY STATION,

BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore,
Bangalore.



Introduction of Bombay Land Revenue Code in the
Station - Your letter No. F205-37 dated 22-7-37.
R.O.I.

* S.N. 20
Cor. p 93.

Attempts were made unsuccessfully so far to obtain a revised copy of the Bombay Land Revenue Code. It is now under revision and Superintendent, Government Printing Press, Bombay promises to supply a copy when this is completed.

I cannot offer an opinion until I am in possession of a copy. In the meantime I recommend that the old Acts be followed.

I have the honour to be

Sir,

Your most obedient servant,

L. J. MacIver
Collector.

28/7

SAG.



All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

S. N. 23.

105

No. F. 205-37

R.O. I

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Officer in charge of
the Hon'ble the Resident's Treasury, and
Financial Adviser to the Hon'ble the Resident.

Dated Bangalore, 30th August 1937.

SUBSTITUTION OF CERTAIN PROVISIONS OF THE
RESERVE BANK OF INDIA ACT FOR THE INDIAN PAPER
CURRENCY ACT.

SIR,

I am directed to say that in the Bangalore (Application of Laws) Order, 1937, a copy of which is sent herewith, the Indian Paper Currency Act, 1923, has been replaced by certain sections of the Reserve Bank of India Act, 1934, with modifications. Please see item No.107 in the schedule. I am to request you kindly to let me have your opinion whether the application of this Act with the proposed modifications will suit the Civil and Military Station, or whether any changes in those modifications should be proposed to the Crown Representative.

I have the honour to be,

Sir,

Your most obedient servant,

o/c HF

SECRETARY TO THE RESIDENT.

M

S. N. 24.

From

The Secretary to His Excellency the Crown Representative,

To

The Chief Secretary to the Government of Bombay,
Political and Reforms Department,
the Chief Secretary to the Government of Bengal,
-do- the United Provinces,
-do- the Punjab,
-do- the Central Provinces,
-do- Assam,
-do- Sind,
the Hon'ble the Agent to the Governor General, Resident
and Chief Commissioner in Baluchistan,
the Hon'ble the Resident at Hyderabad,
-do- in Mysore,
-do- for Central India,
-do- for Rajputana,
-do- for the States of Western India,
-do- for the Punjab States,
the Resident for Baroda and the Gujarat States,
-do- the Madras States,
-do- Kolhapur and the Deccan States,
-do- the Eastern States,
-do- in Kashmir,
-do- at Gwalior and Political Agent for the
States of Rampur and Benares.

Dated SIMLA, the 24/7 July 1937.

Modifications in the enactments
applying to all administered Areas,
consequent on the introduction of
the Government of India Act, 1935.

Sir,

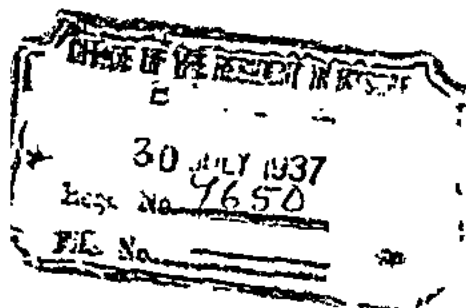
I am directed to invite attention to the notifications

in the late Foreign and Political Department Nos. 1415-I,
dated the 30th April 1890 and 443-I.A., dated the 4th

February 1897, which apply the Revenue Recovery Act, 1890

(I of 1890) and the Epidemic Diseases Act, 1897 (III of
1897) to all Administered Areas and Railway Lands and

to say that as these two Acts have been reapplied to
Administered Areas and Railway Lands by separate notifications,
it is not considered necessary to continue the general
notifications cited above. It is therefore proposed to cancel
these as in the draft attached.



2. I am however, to ask that if after cancellation of the general notifications it is found that these Acts have not been applied by a separate notification to any Administered Area or Railway Lands this Department may be informed and draft notifications submitted applying them to such areas.

I have the honour to be,

Sir

Your most obedient servant,

B. Hailu.

for Secretary to His Excellency the Crown Representative.

Draft Notification.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to cancel the following Notifications of the Government of India in so far as they relate to the areas in Indian States under his administration, namely,

- (1) Notification No.1415-I., dated the 30th April 1990, and
- (2) Notification No.443-I.A., dated the 4th February 1997.

---:0000:---

S. N. 25.

109

1/5/37
10/8/37

Class for telegrams

DEPARTMENT.
BRANCH.

File No.
Serial No.

Issued on
Draft

Letter
Memorandum
Telegram

No. F. 205-37 Dated 10th August 1937
R.O.I

Ordinary
Express
Urgent*
Priority
Clear Line†

*Only for Foreign Telegrams.
†Not for Foreign Telegrams.

To

The Secretary to His Excellency the Crown Representative.

Modifications in the enactments applying to all administered Areas, consequent on the introduction of the Government of India Act.

To be issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

* S. N. 24
R. O. I

Sir,

I have the honour to refer to your letter No. F. 127(9)-I.B./37, dated the 24th July 1937. The two Acts referred to have been reapplied to the Civil and Military Station of Bangalore and the Railway lands by a separate notification, and I see no objection to the cancellation of the general notifications.

I have etc.,

Sd. H. J. J. J.
for Resident.

As per
5.8.37

S. E.

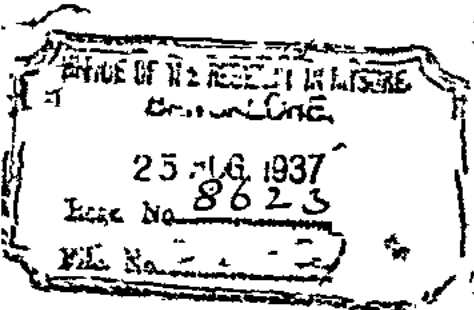
VGIPC-SI-2:25(S&P)MVP-(M-2214)-3.2.37-50,000 Pads

S. N. 26.

THE HON'BLE THE RESIDENT'S TREASURY,
BANGALORE.

Dated the 23rd August 1937.

No. R.T. Genl/1/251, Ens.



FROM

M.R.Ry. Rao Sahib, S. Kuppuswami Naidu, Garu, B.A.,

OFFICER IN CHARGE OF THE HON'BLE THE RESIDENT'S TREASURY,
BANGALORE.

TO

The Secretary to the Hon'ble
the Resident in Mysore,
Bangalore.

SIR,

With reference to your letter No.F.205-37/R.O.I dated 3rd August 1937, I have the honour to state that I am of opinion that the application of the Reserve Bank Act, 1934, with the proposed modifications, will suit the Civil and Military Station.

I have the honour to be,

Sir,

Your most obedient servant,

OFFICER IN CHARGE,
RESIDENT'S TREASURY,
BANGALORE.

Qms

SAB.

* S.N. 23
Cor p. 105.

⑦

S. N. 27

~~CONFIDENTIAL~~

Political DEPARTMENT

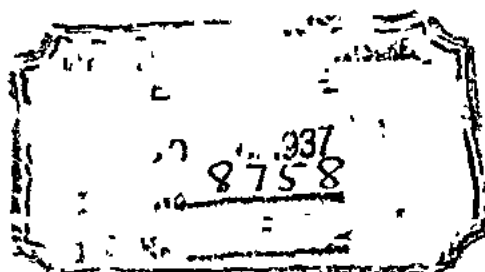
EXPRESS LETTER

[N.B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.]

FROM

Polindia,

Simla.



TO

Resident, Mysore,

Bangalore

No. F.127(6)-I.B/37.

Dated 24th August 1937. ~~1938~~

Application of British Indian Enactments to Bangalore.

* S.N. 21

Cor. p. 99.

© Reference your letter No.F.205-37/R.O.I., dated the 24th July

1937. Please confirm that the Bombay Acts I of 1865 and IV of 1868

referred to in your telegram No.24, dated the 29th March 1937

* S.N. 5

Cor. p. 57.

© need not be applied to Bangalore.

THE ISSUE OF THE ABOVE HAS BEEN AUTHORISED.

B. Hailu

for Secretary to His Excellency the
Crown Representative.

S. G.

MOIPC-31-573(CSP)DCF-(G 115)-7-5-29-4,00,000.

S. N. 29

113

TELEGRAM.

*Received
16/9/37.*
From

Resident Mysore
Bangalore.

To

Polindia
Simla

No.80

Dated 10th September 1937.

My telegram No.77 dated 3rd September. Request extension of preamble and sections 1 to 49 of Bombay Act I of 1865 (Khots Leases), pending further examination which will take some time. Bombay Act IV of 1868 may be omitted.

J/c

BJ

1/2

S. N 30

114

OFFICE OF THE RESIDENT IN MYSORE
07 SEPT. 1937
File No. 97/0
Page No. 205/27

No. F.127(6)-IB/37

From

The Secretary to His Excellency the
Crown Representative,

To

The Hon'ble the Resident in Mysore.

Simla, the 22nd September 1937.

The Civil and Military Station of Bangalore
(Application of Laws) Order, 1937- The Khots
Leases Act, 1865.

Sir,

With reference to your telegram No. 80 dated the 10th September 1937, I am directed to invite attention to the copy of notes forwarded with the Foreign and Political Department letter No. D.799-Fed.I/37, dated the 10th March 1937. By virtue of paragraph 1 of the notification No. 261-I dated the 24th April 1929, it would appear that only sections 37 and 38 of the Khots Leases Act, 1865 (Bombay Act I of 1865) were applicable to the Civil and Military Station of Bangalore prior to the 1st April 1937, since the remaining sections of the Act had been repealed in British India in 1879. I am to suggest therefore that for the time being, a separate draft notification may be submitted applying to the Civil and Military Station of Bangalore the preamble and sections 1 to 49 of the Khots Leases Act, 1865, as originally enacted, with such immediate modifications as may be necessary.

After the examination referred to in your telegram has been undertaken, I am further to suggest that such sections of the Act with necessary modifications as are required for the Civil and Military Station should be applied as a local law, which might be entitled 'the Civil and Military Station of

Bangalore/

+ S.N. 29
Cor. p. 113. (C)

(C) + Cor. p. 10 + 11

f S.N. 3
Cor. p. 5.

⊕ (A)

Bangalore Khots Leases Act.

I have the honour to be,
Sir,
Your most obedient servant,

B. Hainey

for Secretary to His Excellency the Crown Representative.

811

31121

(116)

Issued
3.11-37.

Issued
Ar Rao
1917

DEPARTMENT.
BRANCH.

File No.
Serial No.

Draft Letter
Memorandum
Telegram

Class for telegrams

Ordinary
Express
Urgent*
Priority
Clear Linet

*Only for
Foreign
Telegrams.
†Not for
Foreign
Telegrams.

No. F. 205-37
R.O. 1

Dated

3rd November

1937

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

To

The Secretary to His Excellency
the Crown Representative.

The Civil and Military Station of
Bangalore (Application of Laws)
Order, 1937 - The Khots Leases Act,
1865.

Sir,

(Code word for telegrams.)

n P.4 c
5.11.30

With reference to your letter No.
F.127(6)-I B/37, dated the 22nd

September 1937, I have the honour to
submit a draft notification ^{considered} for the
of His Excellency, ^{to} Crown Representa-
tive, applying to the Civil and Military
Station of Bangalore the preamble of an
Sections 1 to ^{44 and 46 to 49} of the Khots Leases
Act.

I have, etc.,

Sd. H. Tswelyan.

for RESIDENT.

Ar Rao
25.11.37

U. 11

No.

Dated

1937.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct ^{that} the preamble and sections 1 to 44, and 46 to 49 of the Khots Leases Act, 1865 (Bombay Act 1) shall apply to the Civil and Military Station, Bangalore, in so far as the same may be applicable thereto:-

Provided, first, that in the Act as so applied, references to the authorities, gazette and territories mentioned in the first column of the table hereunder ^{should be referred to} ~~were~~ references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table

T A B L E

Governor General of India in Council	Crown Representative
Governor in Council	Resident
Presidency of Bombay or ~~Province~~ ^{Presidency}	Civil and Military Station, Bangalore.
Government gazette	^{Official Gazette} ~~Residency~~ ^{Orders of the Resident.}
	Provided

(11)

Provided, secondly, that for the purpose of facilitating the application of the said Act, any Court may construe the provisions thereof, and of any notification, orders, byelaws, rules or regulations made or issued thereunder with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

that

Provided, thirdly, all proceedings taken under the said Act as extended to the Station by Notification of the Government of India in the Foreign and Political Department No. 261-I, dated the 24th April 1929, and pending at the commencement of this Notification shall be continued as if they had been taken under the Said Act as applied by this Notification.

J. S. R. S.

Provided, ~~thirdly~~, that all appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of the said Act as extended by the notification referred to in the third proviso are hereby confirmed and shall have effect as if made ~~under~~ or issued under the said Act as applied by this Notification.

SECRETARY TO THE HIS
EXCELLENCY THE CROWN
REPRESENTATIVE.

A. S. R. S.
25.11.37

S. N. 32

No. F.127(6)-I.B./37.

From

The Secretary to His Excellency
the Crown Representative,

To

The Hon'ble the Resident in Mysore.

New Delhi, the 30th November 1937.

1. 337
12029.
205-27

Subject:- The Civil and Military Station
of Bangalore (Application of Laws)
Order, 1937 - The Khots Leases Act, 1865.

Sir,

* S.N. 31
Cor. p. 116

(c) I am directed to refer to your letter No. F.205-37,
R.O.I.
dated the 3rd November 1937, and to request that, a copy of
the Khots Leases Act, 1865 (Bombay Act I of 1865) as
originally enacted may kindly be furnished to this Department
at an early date. On its receipt the draft notification
forwarded by you will be scrutinized and issued.

I have the honour to be,

Sir,

Your most obedient servant,

B. Haney.for Secretary to His Excellency
the Crown Representative.

NA

S. N. 35

122

25/12

Issued
6 3/1/38.

DEPARTMENT.
BRANCH.

File No.
Serial No.

Draft Letter
Memorandum
Telegram

30 January
December

No. E.205-37 Dated 19 38
R.O.I

Class for telegrams

Ordinary
Express
Urgent*
Priority
Clear Line†
*Only for Foreign Telegrams.
†Not for Foreign Telegrams.

To

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

The Secretary to His Excellency the Crown Representative, New Delhi.

The Civil and Military Station of Bangalore (Application of Laws) Order, 1937 - The Khots Leases Act, 1865.

(Code word for telegrams.)

S N 31
Cor p. 119

4 ind. to P. U. C

Sir,

With reference to your letter No. F. 127(6)-I.B./37, dated the 30th November 1937, I have the honour to forward a copy of the Khots Leases Act, 1865 (Bombay Act I of 1865) as originally enacted.

I have etc.,

AB
24/12.
for Resident.

ASR
23.11.37.

S. 5.

WGIPC-SI-2425(E&P)MFP-(M-2214)-3.2.37-50,000 Pds

25/12

Cancelled by Pol. Dept.
No. 142, dated
the 17th April 1941.

IC 281 S. N. 36

123

No. 50- I.B.

POLITICAL DEPARTMENT,

New Delhi, the 23rd February 1938.

NOTIFICATION,

Asst.
7.3.38

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the preamble and sections 1 to 44, and 46 to 49 of the Bombay Survey and Settlement Act [Khots Leases Act, 1865] (Bombay Act 1 of 1865) as originally enacted, shall apply to the Civil and Military Station, Bangalore, in so far as the same may be applicable thereto and shall be deemed to have so applied with effect from the 1st April 1937.

Provided, first, that in the Act as so applied, references to the authorities, ^{territories} and Gazette mentioned in the first column of the table hereunder printed shall be construed as if they were references to the authorities, territories and Gazette, respectively, mentioned opposite thereto in the second column of the said table.

Table.

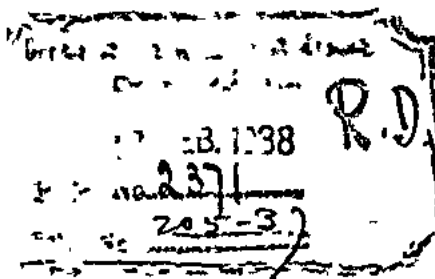
Governor General of India in Council.	Crown Representative
Governor in Council	Resident
Government	Crown or Crown Representative or the Resident as the context may require
Presidency of Bombay	Civil and Military Station, Bangalore
Government Gazette	Official Gazette of the Resident.

Provided, secondly, that for the purpose of facilitating the application of the said Act, any Court may construe the provisions thereof, and of any notification

notification, orders, byelaws, rules or regulations made or issued thereunder with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court. -

(A) Provided, thirdly, that all proceedings taken under the said Act as extended to the said Station by Notification of the Government of India in the late Foreign and Political Department, No.261-I, dated the 24th April 1929, and pending on the 1st April 1937, shall be continued as if they had been taken under the said Act as applied by this Notification.

Provided, fourthly, that all appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of the said Act as extended by the notification referred to in the third proviso are hereby confirmed and shall have effect as if made or issued under the said Act as applied by this Notification.



Sd/- B.J.Glancy,

Secretary to His Excellency the
Crown Representative.

Copy forwarded to the Hon'ble the Resident in Mysore, for information, with reference to the correspondence ending with his letter No.F.205-37/R.O.I. dated the 3rd January 1938.

x S.N.31

Cor.p. 116

(C) It is presumed that a notification applying such sections of this Act as are required for Bangalore in the form of a local law will be forwarded in due course for examination.

By order, etc.,

Ramji Das

for Secretary to His Excellency the
Crown Representative.

No. 43

---:0:---
Dated Bangalore, the 23rd March 1938.
N O T I F I C A T I O N.

The following Notification of the Political Department is republished.

SECRETARY TO THE RESIDENT.

No. 50- I.B.

POLITICAL DEPARTMENT.

New Delhi, the 23rd February 1938.

N O T I F I C A T I O N.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the preamble and sections 1 to 44, and 46 to 49 of the Bombay Survey and Settlement Act (Khots Leases Act, 1865) (Bombay Act 1 of 1865) as originally enacted, shall apply to the Civil and Military Station, Bangalore, in so far as the same may be applicable thereto and shall be deemed to have so applied with effect from the 1st April 1937.

Provided, first, that in the Act as so applied, references to the authorities, territories and Gazette mentioned in the first column of the table hereunder printed shall be construed as if they were references to the authorities, territories and Gazette, respectively, mentioned opposite thereto in the second column of the said table.

Table.

Governor General of India in Council.	Crown Representative.
Governor in Council	Resident.
Government	Crown or Crown Representative or the Resident as the context may require.
Presidency of Bombay.	Civil and Military Station, Bangalore.
Government Gazette	Official Gazette of the Resident.

Provided, secondly, that for the purpose of facilitating

facilitating the application of the said Act, any Court may construe the provisions thereof, and of any notification, orders, byelaws, rules or regulations made or issued thereunder with such modifications not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

Provided, thirdly, that all proceedings taken under the said Act as extended to the said Station by Notification of the Government of India in the late Foreign and Political Department, No.261-I, dated the 24th April 1929, and pending on the 1st April 1937, shall be continued as if they had been taken under the said Act as applied by this Notification.

Provided, fourthly, that all appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of the said Act as extended by the notification referred to in the third proviso are hereby confirmed and shall have effect as if made or issued under the said Act as applied by this Notification.

Sd/- B.J. Glancy,

Secretary to His Excellency the Crown
Representative.

To

The Manager,
Residency Press,
Bangalore.

S. N. 38

1

Draft-

Issue
R. S. Rao
17/3
2 drafts
Draft II

Issued
R. S. Rao
23/3/38.

No. F. 205-37
R.O.I

Dated, the 23rd March 1938.

To

The Collector, Civil and Military
Station, Bangalore.

The Civil and Military Station of
Bangalore (Application of Laws)
Order, 1937 - The Khots Leases
Act, 1865.

Sir,

I am directed to refer to the
correspondence ending with your letter
No. 4906/D/37, dated the 17th December
1937, and to forward for information a
copy of Notification of the Political
Department No. 50-I.B., dated the 23rd
February 1938.

The Political Department suggest
that the present measure should be in
force only for the time being, and that
such sections of the Khots Leases Act
with necessary modifications as are
required for the Station should be
applied as a local law, which might be
entitled 'the Civil and Military
Station of Bangalore Khots Leases Act'.
I am to request that a draft notificatio
embodying such a local law may kindly be
forwarded to this Residency.

I have etc.,

Sd. H. Trvelyan.

Secretary to the Resident.

S. N. 34
Cor. p. 121

S. N. 36
P. U. C

Please See -
S. N. 30
Cor. p. 114

You may ~~also~~ consider that such action
is unnecessary in view of the probability
of retention. If so, I am to ask
for your views.

R. S. Rao
12.3.38

POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 5th October, 1937.

No. 213-LB.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to direct that the following amendments shall be made in the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, namely :—

I. In clause (ii) of paragraph 2 of the said Order for the words "Resident for Mysore" the words "Resident in Mysore" shall be substituted.

II. In the Schedule to the said Order under the heading *Acts of the Central Legislature*,

(1) In the modifications relating to item "7. The Indian Penal Code (XLV of 1860)"—

(a) in modification (1) after the word "In" the words and figures "section 14, and" shall be inserted;

(b) for modification (4) the following modification shall be substituted, namely :—

"(4) In section 121A the words 'British India', where they occur for the second time, shall stand unmodified, and after the words 'any part thereof' the words 'or of her Jurisdiction in the Civil and Military Station of Bangalore' shall be inserted."

(c) for modification (5) the following modification shall be substituted, namely :—

(5) In section 124A for 'British India' substitute 'British India or the Civil and Military Station of Bangalore' and after 'British Burma' insert 'or towards the Ruler of or the Administration established by law in the Mysore State'."

(d) After modification (5) the following modification shall be inserted, namely :—

"(6) In sections 244 and 245 for 'British India' substitute 'British India or the Civil and Military Station of Bangalore'"; and

(e) modification (6) shall be renumbered "(7)";

(2) In the modifications relating to item "15. The Pensions Act, 1871 (XXIII of 1871)"—

(a) in modification (1) for the word and figures "Schedule II" the words "the Schedule" shall be substituted; and

(b) for modification (3) the following modification shall be substituted, namely :—

"(3) In section 14 omit the words 'In each Province' and the words 'with the consent of the appropriate Government'."

(3) In the modifications relating to item "16. The Indian Evidence Act, 1872 (I of 1872)"—

(a) in modification (2) after the figures "37" the words, brackets and figures "and clauses (4) and (6) of section 57" shall be inserted;

(b) in modification (4) for the words and figures "sections 74 and 79 and in exception 2 to section 91" the words, figures and brackets "sections 36, 57(7), 74, 78(5), 79 and 83" shall be substituted; and

(c) after modification (4) the following modification shall be added, namely :—

"(5) In exception (2) to section 91 the words 'British India' shall be read as referring to British India, the territories of Mysore and the areas outside British India under the administration of the Crown Representative or of the Central Government."

(4) To modification (3) of the modifications relating to item "27. The Hackney-carriage Act, 1879 (XIV of 1879)", the following words shall be added, namely,— "and in the third and fourth paragraphs for the word 'Commissioner' substitute 'Resident'."

(5) After modification (1) of the modifications relating to item "29. The Vaccination Act, 1880 (XIII of 1880)", the following modification shall be inserted, namely,—

"(1A) In section 8 for the word 'Commissioner' substitute 'President of of the Municipal Commission of the Civil and Military Station of Bangalore'."

(6) In the modifications relating to item "32. The Indian Trusts Act, 1882 (II of 1882)"—

(a) in clause (1) of modification (2) for the words, letters and brackets "clauses (a) to (c)" the words, letters and brackets "clauses (a) to (d)" shall be substituted; and

(b) for clause (iii) of modification (2) the following clause shall be substituted, namely :—

"(iii) in clause (e) for 'British India' substitute 'British India or in the territories of Mysore including the Civil and Military Station of Bangalore'."

(7) To modification (1) relating to item "43. The Guardians and Wards Act, 1890 (VIII of 1890)", the following shall be added, namely :—

"Section 2 and the Schedule":

(8) In the modifications relating to item "52. The Code of Criminal Procedure, 1898 (V of 1898)"—(a) after modification, (6) the following modification shall be inserted, namely :—

"(6A) For section 378 substitute :

'378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the opinion of the senior Judge shall prevail.'";

(b) after modification (8) the following modification shall be inserted, namely :—

"(8A) For Section 429 substitute :
'429. When the Judges composing the Court of Appeal are equally divided in opinion, the opinion of the senior Judge shall prevail.'";

(c) for modification (10) the following modification shall be substituted, namely :—

"(10) For sub-section (1) of section 527 substitute :

'(1) The Crown Representative may by notification in the Official Gazette, direct the transfer of any particular case or appeal from the Court of the Resident to any High Court in British India or in an administered area, or from any Criminal Court subordinate to the Court of the Resident to any Criminal Court of equal or superior jurisdiction subordinate to any such High Court as aforesaid, whenever it appears to him that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses :

Provided that no case or appeal shall be transferred to a High Court or other Court in British India without the consent of the Provincial Government of the Province in which the Court is situated.'"; and

(d) after modification (10) the following modification shall be inserted, namely :—

"10A. In section 539 for the words 'British India' the words 'British India or the Civil and Military Station of Bangalore' shall be substituted." :

(9) In the modifications relating to item "61. The Code of Civil Procedure, 1908 (V of 1908)"—

(a) In clause (i) of modification (3) for the words "to any Court under this authority" the words "to any Court in British India or in an administered area" shall be substituted and after the words "local limits of its jurisdiction" the following words shall be inserted, namely :—

'provided that no case or appeal shall be transferred to a High Court or other Court in British

India without the consent of the Provincial Government of the Province in which the Court is situated.'"; and

(b) In modification (4), after the words "administered area" the following words shall be inserted, namely :—

"provided that no case or appeal shall be transferred to a High Court or other Court in British India without the consent of the Provincial Government of the Province in which the Court is situated" :

(10) After modification (2) of the modifications relating to item "68. The Prevention of Seditious Meetings Act, 1911 (X of 1911)", the following modifications shall be inserted, namely :—

"(3) In sections 4 and 5 omit 'or the Commissioner of Police, as the case may be'.

(4) In section 7 omit 'or of the Commissioner of Police, as the case may be'."

(11) After modification (2) of the modifications relating to item "76. The Indian Companies Act, 1913 (VII of 1913)", the following modification shall be inserted, namely :—

"(2A) In section 200 after the words 'by a Court' insert 'in British India'; for the words 'any place in British India other than that in which such Court is situate' substitute 'the Civil and Military Station of Bangalore'; and for the words 'at such other place' substitute 'at the said Station'."

(12) In modification (2) of the modifications relating to item "92. The Indian Boilers Act, 1923 (V of 1923)", for the words "in British India", where they occur for the first time, the words "in any part of British India" shall be substituted and where they occur for the second time, the word "therein" shall be substituted :

(13) The modification relating to item "93. The Workmen's Compensation Act, 1923 (VIII of 1923)" shall be numbered as "(1)", and after this modification as so numbered the following modification shall be inserted, namely :—

"(2) In clause (i) of sub-section (1) of section 2 the words 'British India' shall stand unmodified."

(14) After modification (1) of the modifications relating to item "98. The Indian Succession Act, 1925 (XXXIX of 1925)", the following modification shall be inserted, namely :—

"(1A) In the proviso to section 273 after the word 'granted' insert 'under the Act as in force in British India or under the Act as applied to any area under the administration of the Crown Representative'; for the words 'beyond the limits of the Province' substitute 'in the Civil and Military Station of Bangalore'; and for the words 'have like effect throughout the whole of British India' substitute 'have the same effect as grants made under this Act'."

(15) After item 103, the following item shall be inserted, namely :—

" 103A. The Indian Sale Omit sub-sections (2) and (3) of Goods Act, 1930 (III section 1." of 1930).

(16) For modification (2) of the modifications relating to item " 104. The Indian Companies (Amendment) Act, 1930 (XIX of 1930)", the following modification shall be substituted, namely :—

" (2) For section 3 substitute—

'3. (1) Persons holding restricted certificates granted by any Provincial Government in British India before the 1st April 1932 entitling them to act as auditors within that Province may act as auditors in the Civil and Military Station of Bangalore on such conditions as may be prescribed by the Crown Representative in rules made by notification in the Official Gazette and after previous publication.

(2) Notwithstanding anything contained in subsection (1), the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules made under section 3 of the Indian Companies (Amendment) Act, 1930, for the time being in force in any part of British India, subject to any amendments to which such rules are for the time being subject therein and to such modifications or restrictions as may be specified in the notification, and any rules so applied shall have effect in the Civil and Military Station of Bangalore as if made under this "Act." :

(17) After item 107, the following item shall be inserted, namely :—

" 107A. The Indian States (Protection) Act, 1934 (XI of 1934). (1) Omit subsections (2) and (3) of Section 1.

(2) In section 7 for the words 'The Central Government, if the offence is committed outside British India, and the Provincial Government in other cases' substitute 'The Crown Representative or the Resident'."

(18) In modification (2) of the modifications relating to item " 115. The Parsi Marriage and Divorce Act, 1936 (III of 1936)", for the word " Presidency " wherever it occurs, the word " Parsi " shall be substituted :

III. In the schedule to the said order (19) for the heading " Central Regulations " the heading " Regulations " shall be substituted ; and under the heading as so substituted entry No. 1 shall be re-numbered as 2 and before the entry as so renumbered the following entry shall be inserted, namely :—

" 1. The Bengal State Prisoners Regulation, 1818 (III of 1818).

(1) All references to ' Government ' or the ' Provincial Government ' shall be read as referring to the Crown Representative.

(2) For the second and third paragraphs of Section 2, substitute :—

* Second.—The warrant of commitment shall be in the following form :—

" To the (here insert the officer's designation) whereas His Excellency the Crown Representative, for good and sufficient reasons, has seen fit to determine that (here insert the State prisoner's name) shall be placed under personal restraint at (here insert the name of the place), you are hereby required and commanded, in pursuance of that determination, to receive the person above named in your custody, and to deal with him in conformity to the orders of His Excellency the Crown Representative and the provisions of the Bengal State Prisoners Regulation, 1818 (III of 1818), as applied to the Civil and Military Station of Bangalore."

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any Jail or other place in the Civil and Military Station of Bangalore."

(3) Omit section 7-A, section 12 and the Appendix.

(4) In section 9 for the words 'Sadr Diwani Adalat and Nizamat Adalat' substitute 'Court of the Resident'."

IV. In the Schedule to the said Order relating to Acts of the Provincial Legislatures—

(20) In modification (2) of the modifications relating to item " 7. The Madras Borstal Schools Act, 1925 (Madras Act V of 1926) ", for the word and figure " section 1 " the word and figure " section 2 " shall be substituted.

B. J. GLANCY,
Secretary to His Excellency the
Crown Representative.

**The Civil and Military Station of Bangalore
(Application of Laws) Order, 1937.**

POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 1st April 1937.

No. 3-Fed.-I.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Order:—

1. (1) This Order may be cited as the Civil and Military Station of Bangalore (Application of Laws) Order, 1937.

(2) It shall come into operation on the first day of April, 1937.

2. In this Order—

“Crown Representative” means His Majesty’s Representative for the exercise of the functions of the Crown in its relations with Indian States. and includes—

- (i) any person or persons acting under his authority, and
- (ii) in relation to anything done before the commencement of this Order the Governor General in Council and any person or persons acting under the authority of the Governor General in Council,

“Resident” means the Resident in Mysore.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the Civil and Military Station of Bangalore subject to the modifications and restrictions specified in the second column thereof and to the provisions of this Order.

4. References to any Act in the Schedule to this Order shall be deemed to be references—

- (a) in the case of an Act of Parliament, to that Act, as in force for the time being in British India; and
- (b) in the case of a Regulation or of an Act of the Central Legislature or of any Provincial Legislature passed before the first day of April, 1937, to that Regulation or Act as amended by the Central Legislature or, as the case may be, by that Provincial Legislature before the said date and as adapted or modified by any Order in Council made by His Majesty under section 293 of the Government of India Act, 1935.

5. The enactments applied by this Order shall, except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the table hereunder printed

were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said table.

TABLE.

(i) Central Government, Governor General or Federal Railway Authority.	Crown Representative.
(ii) Provincial Government, Governor or Chief Controlling Revenue Authority.	Resident.
(iii) Government.	Crown or Crown Representative or Resident as the context may require.
(iv) High Court.	Court of the Resident.
(v) Official Gazette.	Official Gazette of the Crown Representative or, as the case may be of the Resident.
(vi) British India, any Province in British India or any part thereof.	Civil and Military Station of Bangalore.

6. A direction in the Schedule to this Order that an enactment or portion of an enactment shall stand unmodified shall be regarded as a direction that it is not to be construed in accordance with the provisions of paragraph 5.

7. Any Court may construe the provisions of any enactment applied by this Order and of any notifications, orders, bye-laws, rules, or regulations, made or issued thereunder with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

8. (1) On the commencement of this Order, notifications of the Government of India in the Foreign and Political Department, No. 261-I, dated the 24th April 1929, No. 462-I, dated the 4th July 1929, No. 92-I, dated the 30th January 1930 and No. 57-I.B., dated the 15th January 1936, and all notifications amending the same shall cease to have effect:

Provided that all proceedings taken under any of the enactments specified in the said notifications and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding enactments specified in the Schedule to this Order.

(2) All appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of any of the enactments specified in the aforesaid notifications are hereby confirmed and shall have effect as if made or issued under this Order.

SCHEDULE.

Enactments Applied.	Modifications and Restrictions.
<i>Act of Parliament:</i>	
1. The Army Act (44 and 45 Vict., c. 58).	Only sections 156 and 190 (35) (d) shall be applicable.
<i>Acts of the Central Legislature.</i>	
1. The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	
2. The Apprentices Act, 1850 (XIX of 1850).	(1) The provisions of the Act shall be applicable only to European and Anglo-Indian children. (2) At the end of section 3 add— “or required to find security for good behaviour.” (3) In sections 19, 20 and 21, for “executors or administrators” substitute “legal representatives”. (4) Omit sections 22 and 23. (5) In Schedule A for “executors and administrators” substitute “legal representatives”, and omit the words “and seals” and the letters “L. S.”. (6) In Schedule B for “executors or administrators” substitute “legal representatives”.
3. The Caste Disabilities Removal Act, 1850 (XXI of 1850).	
4. The Indian Fatal Accidents Act, 1855 (XIII of 1855).	
5. The Hindu Widows' Remarriage Act, 1856 (XV of 1856).	
6. The Societies Registration Act, 1860 (XXI of 1860).	In section 13 for “principal Court of original civil jurisdiction of the district in which the chief building of the society is situate” substitute “Court of the District Judge of the Civil and Military Station of Bangalore”; and for “Government of the province of registration” substitute “Crown Representative”.

7. The Indian Penal Code (XLV of 1860).

(1) In section 14 and clause second of section 21 the words "British India" shall stand unmodified.

(2) In section 55 for "Provincial Government of the Province" substitute "Crown Representative or the Resident".

(3) Section 75 shall stand unmodified.

(4) In section 121A the words 'British India', where they occur for the second time, shall stand unmodified, and after the words 'any part thereof' the words 'or of her jurisdiction in the Civil and Military Station of Bangalore' shall be inserted.

(5) In section 124A for 'British India' substitute 'British India or the Civil and Military Station of Bangalore, and after 'British Burma' insert 'or towards the Ruler of or the Administration established by law in the Mysore State.'

(6) In sections 244 and 245 for 'British India' substitute 'British India or the Civil and Military Station of Bangalore.'

(7) In section 271 the words "Central Government" shall stand unmodified.

8. The Excise (Spirits) Act, 1863 (XVI of 1863).

In section 2 for the words down to "approval of the Central Government" substitute "The Resident shall, from time to time, prescribe".

9. The Foreigners' Act, 1864 (III of 1864).

(1) All references to the Central Government shall be read as referring to the Resident.

(2) In section 1 the words "British India" shall stand unmodified.

10. The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866).

.....

11. The Press and Registration of Books Act, 1867 (XXV of 1867).

.....

12. The Indian Divorce Act, 1869 (IV of 1869).

(1) The provisions of the Act as applied shall be applicable only to persons to whom the Special Marriage Act, 1872 (III of 1872), as applied to the Civil and Military Station of Bangalore, applies and to persons not being British subjects who profess the Christian religion.

(2) In section 1 omit "and shall come into operation on the first day of April, 1869".

(3) In section 2 omit the first paragraph.

(4) In section 3 omit clause (1) and sub-clause (b) of clause (2).

(5) Omit section 17-A.

13. The Court Fees Act,
1870 (VII of 1870).

(1) Omit the last sentence of section 1 and section 1-A.

(2) In sections 26, 27, 34 and 35 for "appropriate Government" substitute "Resident".

14. The Cattle-Trespass
Act, 1871 (I of 1871).

(1) Omit subsection (2) of section 1.

(2) In section 6 for "Provincial Government" substitute "Magistrate of the District".

15. The Pensions Act,
1871 (XXIII of 1871).

(1) Omit sections 2 and 3A and the Schedule.

(2) In sections 5, 10, and 13, for "appropriate Government" substitute "Resident".

(3) In section 14 omit the words "In each Province" and the words "with the consent of the appropriate Government".

16. The Indian Evi-
dence Act, 1872 (I of
1872).

(1) Omit the last sentence of section 1.

(2) In section 37 and clauses (4) and (6) of section 57 the words "British India" shall stand unmodified.

(3) In section 57 for clause (i) substitute—

"(i) All laws or rules having the force of law now, or heretofore in force, or hereafter to be in force, in any part of British India or in any area outside British India under the administration of the Crown Representative."

(4) In sections 36, 57 (7), 74, 78 (5), 79 and 83 the words "British India" shall be read as referring to British India and the areas outside British India under the administration of the Crown Representative.

(5) In exception (2) to section 91 the words "British India" shall be read as referring to British India, the territories of Mysore and the areas outside British India under the administration of the Crown Representative or of the Central Government.

17. The Special Marriage Act, 1872 (III of 1872).

In section 17 after "Indian Divorce Act" insert "as applied to the Civil and Military Station of Bangalore".

18. The Indian Contract Act, 1872 (IX of 1872).

Omit the second sentence of section 1 and the second paragraph of section 21.

19. The Indian Christian Marriage Act, 1872 (XV of 1872).

(1) Nothing in the Act, as applied, shall be deemed to apply to British subjects.

(2) In section 6 omit the words "and the Central Government so far as regards any Indian State", and the words "and State respectively".

(3) Omit section 8.

(4) In section 9 omit "or (so far as regards any Indian State) the Central Government".

(5) Omit sections 28 to 30, 47, the last three paragraphs of section 48 and sections 54, 55, 56, 62 (2), 64 and 86.

20. The Government Savings Banks Act, 1873 (V of 1873).

.....

21. The Indian Oaths Act, 1873 (X of 1873).

(1) Omit the second sentence of section 1.

(2) In sections 3 and 4 the words "British India" shall stand unmodified.

21A. The European Vagrancy Act - vide page 264 164

22. The Indian Majority Act, 1875 (IX of 1875).

(1) Omit the second sentence of section 1.

(2) In section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

23. The Specific Relief Act, 1877 (I of 1877).

(1) In section 1 omit the second and third paragraphs.

(2) Sections 9, 45 and 56 shall stand unmodified.

24. The Opium Act, 1878 (I of 1878).

(1) In section 1 omit the second and third paragraphs.

(2) In sections 5, 7 and 8 for "Provincial Government" substitute "Resident subject to the control of the Crown Representative".

25. The Indian Treasure Trove Act, 1878 (VI of 1878).

.....

26. The Indian Arms Act, 1878 (XI of 1878).

(1) In section 1 the words "by order of any Government in British India" shall stand unmodified; and after those words, the words "or of the Crown Representative" shall be inserted.

(2) Omit section 2.

(3) In sections 6, 7, 11, 13, 15, 16, 17 (c), 18, 25, 26, 30 and 32 for "Central Government" substitute "Resident".

27. The Hackney-carriage Act, 1879 (XIV of 1879).

(1) Omit the preamble and the words from "nothing herein contained" to the end in section 1.

(2) For section 2 substitute—

"2. In this Act, "Hackney-carriage" means any wheeled vehicle, drawn or pushed by a man or horse, bullock or other animal and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance".

(3) In section 3 omit the first paragraph; and in the second paragraph for the words from the beginning to "Committee of such municipality" substitute "The municipal commission of the Civil and Military Station of Bangalore"; and for the words "limits of such municipality" substitute "limits of the said Station" and in the third and fourth paragraphs for the word "Commissioner" substitute "Resident".

(4) In section 6 at the end of clauses (a) and (b) insert "under this Act or any similar law for the time being in force in Bangalore City"; and in clause (c) after "granted" insert "including the grounds on which they shall be liable to be revoked or suspended".

(5) After section 10 add the following new section—

"11. *Penalty for Injury of Hackney-carriage.*—Any person using a hackney-carriage and wilfully or negligently injuring the same, shall, on conviction before a Magistrate, be punished with fine which may extend to twenty rupees and shall also pay to the owner such sum as compensation as the Magistrate may think fit, which shall be recoverable as if it were a fine."

28. The Kazis' Act, 1880 (XII of 1880).

Omit the second paragraph of section 1.

29. The Vaccination Act, 1880 (XIII of 1880).

(1) Omit the second paragraph of section 1, and sections 3, 4, 5 and 20.

(1A) In section 8 for the word "Commissioner" substitute "President of the Municipal Commission of the Civil and Military Station of Bangalore".

(2) In section 23 for "any municipality" substitute "the Civil and Military Station of Bangalore".

30. The Municipal Taxation Act, 1881 (XI of 1881).

(1) In sections 3 and 6 for "a municipality" substitute "the Civil and Military Station of Bangalore".

(2) Omit sections 3A and 5.

31. The Negotiable Instruments Act, 1881 (XXVI of 1881).

(1) All references to the Central Government shall be construed as references to the Resident.

(2) In section 1 omit "and it shall come into force on the first day of March, 1882".

(3) In section 11 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

32. The Indian Trusts Act, 1882 (II of 1882).

(1) In section 1 omit the words from "and it shall come into force" to "British India".

(2) In section 20—

(i) clauses (a) to (d) shall stand unmodified;

(ii) at the end of clause (d) insert "or in debentures or other securities for money issued by the Government of Mysore or under the authority of the Crown Representative"; and

(iii) in clause (e) for "British India" substitute "British India or in the territories of Mysore including the Civil and Military Station of Bangalore".

33. The Transfer of Property Act, 1882 (IV of 1882).

(1) In section 1 omit the second, third, fourth and last paragraphs.

(2) In the definition of "registered" in section 3 for "British India" substitute "British India or the Civil and Military Station of Bangalore".

(3) In section 52 the words "British India" shall stand unmodified.

(2) For section 8 substitute—

“8. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue, or sum recoverable as an arrear of land revenue, payable to a Collector or other public officer or to a local authority in any part of British India or in any local area which is not part of British India but which is under the administration of the Central Government or of the Crown Representative and to which the Revenue Recovery Act, 1890, has been applied.

8A. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue or of any other sum which is, under section 193 of the Mysore Land Revenue Code, 1888 (Mysore Regulation IV of 1888), leviable in accordance with the provisions of Chapter XI of the said Code.”

42. The Charitable Endowments Act, 1890 (VI of 1890).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 3—

(i) in subsection (1) for the words from “India” to “the Province” substitute “the Civil and Military Station of Bangalore”; and

(ii) in subsection (2) for “India or as the case may be the Province” substitute “the Civil and Military Station of Bangalore”.

(3) Omit section 3A and the proviso to subsection (4) of section 5.

(4) In section 12 for the words from the beginning to “any other reason” substitute “If for any reason”.

(5) All references to the appropriate Government shall be read as referring to the Crown Representative.

43. The Guardians and Wards Act, 1890 (VIII of 1890).

(1) Omit subsections (2) and (3) of section 1, section 2 and the schedule.

(2) In section 3 the words “High Court established in British India” shall stand ~~as~~ modified.

44. The Indian Railways Act, 1890 (IX of 1890).

- (1) Omit subsections (2) and (3) of section 1.
(2) In section 3 omit clause (20) and for clauses (21) and (22) substitute—

“(21) ‘the safety controlling authority’ or ‘the general controlling authority’ means the Crown Representative”.

- (3) In section 8A omit from “or the doing” to the end of the section.

Omit subsections (2), (3) and (4) of section 1.

45. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).

46. The Bankers' Books Evidence Act, 1891 (XVIII of 1891).

.....

47. The Partition Act, 1893 (IV of 1893).

.....

48. The Land Acquisition Act, 1894 (I of 1894).

- (1) Omit subsections (2) and (3) of section 1.
(2) In section 41 for “with the Provincial Government” substitute “with the Crown Representative”.

49. The Crown Grants Act, 1895 (XV of 1895).

.....

50. The Epidemic Diseases Act, 1897 (III of 1897).

- Omit subsection (2) of section 1, and section 2A.

51. The General Clauses Act, 1897 (X of 1897).

- (1) Sections 3, 4 and 4A shall stand unmodified:

Provided that for the interpretation of any enactment in the Civil and Military Station of Bangalore the definitions contained in these sections shall be applicable only after effect has been given to any modification, restriction or rule of construction prescribed in respect of the enactment by this Order.

- (2) Omit sections 5 and 5A.

52. The Code of Criminal Procedure, 1898 (V of 1898).

- (1) In section 1 omit the words “and it shall come into force on the first day of July, 1898” and the words from “or shall apply to” to the end of the section.

- (2) Omit clause (j) of subsection (1) of section 4 and sections 22 and 25.

- (3) In subsection (2) of section 45 the words “Central Government” shall stand unmodified.

- (4) For the purposes of sections 99B to 99E, the High Court of Judicature at Madras shall be the High Court.

(5) In section 197 for clauses (a) and (b) of subsection (1) substitute "of the Resident"; in subsection (2) for the words from the beginning to "individual judgment" substitute "The Resident"; and omit subsection (3).

(6) Omit section 266.

(6A) For section 378 substitute—

"378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the opinion of the senior Judge shall prevail."

(7) In sections 401 and 402 for "Provincial Government" substitute "Crown Representative or the Resident."

(8) Omit section 402A.

(8A) For section 429 substitute—

"429. When the Judges composing the Court of Appeal are equally divided in opinion, the opinion of the senior Judge shall prevail."

(9) In subsection (1) of section 503 after "such attendance and" insert "if such witness resides in British India or in any area to which this Code has been applied"; and subsection (2) shall stand unmodified.

(10) For subsection (1) of section 527 substitute—

"(1) The Crown Representative may by notification in the Official Gazette, direct the transfer of any particular case or appeal from the Court of the Resident to any High Court in British India or in an administered area, or from any Criminal Court subordinate to the Court of the Resident to any Criminal Court of equal or superior jurisdiction subordinate to any such High Court as aforesaid, whenever it appears to him that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses:

Provided that no case or appeal shall be transferred to a High Court or other Court in British India without the consent of the Provincial Government of the Province in which the Court is situated."

(10A) In section 539 for the words "British India" the words "British India or the Civil and Military Station of Bangalore" shall be substituted.

(11) In section 565 for "British India" substitute "British India or the Civil and Military Station of Bangalore"; and that words "Central Government" shall stand unmodified.

(12) Nothing in the Code, as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.

53. The Indian Post Office Act, 1898 (VI of 1898).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 2 in clause (b), except in the proviso, and in clause (d) the words "Central Government" shall stand unmodified.

(3) Omit Chapter VIII.

54. The Indian Stamp Act, 1899 (II of 1899).

(1) In section 2 omit clause 12A and in clause 16A for "British India" substitute "British India or in the Civil and Military Station of Bangalore".

(2) Omit subsections (2) and (3) of section 1, and sections 57, 58 and 59.

(3) In section 60—

(i) in subsection (1) omit "other than a Court mentioned in section 57" and the words from "or Chief Court" to "refer the same"; and

(ii) for subsection (2) substitute—

"(2) Such Court shall consider the case and send a copy of its decisions to the Judge making reference who shall on receiving such copy dispose of the case conformably to such decision."

(4) In section 76A omit the words "Central Government subject to the provisions of section 124 (1) of the Government of India Act, 1935 and the".

(5) All references to the collecting Government shall be read as referring to the Resident.

55. The Indian Arbitration Act, 1899 (IX of 1899)

(1) Omit subsections (2) and (3) of section 1 and section 2.

(2) In section 4 omit the words "in the Presidency-towns the High Court and elsewhere".

56. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899).

57. The Prisoners Act, 1900 (III of 1900).

.....

Only the following sections shall apply as hereby modified, namely:—

"29. *Removal of Prisoners.*—(1) The Crown Representative may, by general or special order provide for the removal of any person—

(i) sentenced by a Court to—

(a) death,

(b) imprisonment or transportation, or

(c) imprisonment in default of payment of fine, or

(ii) ordered by a Court to be imprisoned for default of giving security for keeping the peace or for maintaining good behaviour,

to any prison in British India.

(2) With the sanction of the Crown Representative, the Resident may, in like manner, provide for the removal of any person sentenced or ordered to be imprisoned as aforesaid to any prison in the Mysore State.

30. *Lunatic prisoners how to be dealt with.*—

(1) Where it appears to the Resident that any person detailed or imprisoned under any order or sentence of a Court is of unsound mind, the Resident may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody in the Mysore State so appointed with the sanction of the Crown Representative there to be kept and treated as the Resident directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment; then until he is discharged according to law.

(2) Where it appears to the Resident that the prisoner has become of sound mind, the Resident

shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to any other prison as provided by section 29, or, if the prisoner is no longer liable to be kept in custody order him to be discharged.

(3) When a person is confined in a lunatic asylum under subsection (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, it shall be lawful for two or more visitors of the asylum, of whom one shall be a medical officer, by writing under their hands, order to order that he shall be discharged, provided that notice of such order shall be immediately communicated to the Resident.

(4) The time during which a prisoner is confined in a lunatic asylum under subsection (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo."

(2) For the purpose of these sections, as applied, "Court" means any officer or tribunal in the Civil and Military Station of Bangalore lawfully exercising criminal jurisdiction and includes a Justice of the Peace appointed by the Crown Representative within the Mysore State.

58. The Indian Works of Defence Act, 1903 (VII of 1903).

(1) Omit subsection (2) of section 1.

(2) In clause (c) of section 2 the words "Central Government" shall stand unmodified.

(3) In clause (f) and (g) of section 2, sections 3, 4, 6(1), 7, 31, 38 and 39 for "Central Government" substitute "Resident".

(4) In subsection (3) of section 6 and section 9, for "Central Government" substitute "Resident with the previous sanction of the Crown Representative".

59. The Ancient Monuments Preservation Act, 1904 (VII of 1904).

(1) Omit subsection (2) of section 1.

(2) In sections 2(3), 3, 4, 10A, 14 (where the words occur for the first time), 15 (where the words occur for the first and third times), 17(4) (5), 18, and 19, for "Central Government" substitute "Resident".

60. The Indian Coinage Act, 1906 (III of 1906).

- (1) Omit subsection (2) of section 1.
- (2) In sections 16 and 20 for
"authorised by the Central Government"
substitute "authorised by the Crown
Representative or by the Resident".

61. The Code of Civil Procedure, 1906 (V of 1906).

- (1) Omit subsections (2) and (3) of section 1.
- (2) In clause (5) of section 2 and sections 10 and 16 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore; and the words "Central Government" shall stand unmodified.

(3) In section 24—

(i) after subsection (1) add the following subsection (1a) namely:—

"(1a) If in any case in which, it would have been competent to the Court of the Resident to exercise the power conferred by sub-clause (ii) of clause (b) of subsection (1) there is no subordinate Court to which the suit, appeal or other proceeding can be transferred, or there is such subordinate Court but there is good reason why the suit, appeal or other proceeding should not be transferred to it, the Court of the Resident may make a report to the Crown Representative who may, by notification in the official Gazette, transfer such suit, appeal or proceeding to any Court in British India or in an administered area which would have been competent to try or dispose of such suit, appeal or proceeding if the cause of action had arisen within the local limits of its jurisdiction provided that no case or appeal shall be transferred to a High Court or other Court in British India without the consent of the Provincial Government of the Province in which the Court is situated. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."

(ii) in subsection (2) for the words and figure "under subsection (1)" substitute "under subsection (1) or subsection (1a)".

(4) For subsection 1 of section 25 substitute—

“(1) Where any party to a suit, appeal or other proceeding pending in the Court of the Resident objects to its being heard by that Court and the Court is satisfied that there are reasonable grounds for the objection, the Court shall make a report to the Crown Representative who may, by notification in the official Gazette, transfer such suit, appeal or proceeding to any High Court in British India or in an administered area provided that no case or appeal shall be transferred to a High Court or other Court in British India without the consent of the Provincial Government of the Province in which the Court is situated. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code.”

(5) In the proviso to section 29 after “summons” insert “are situate in British India or”; and the words “Central Government” shall stand unmodified.

(6) In section 43 for “to which the provisions relating to execution do not extend” substitute “or British Burma or the Civil and Military Station of Bangalore”; and for “in British India” substitute “in the Civil and Military Station of Bangalore”; but, save as aforesaid, the section shall stand unmodified.

(7) In section 44 for “Provincial Government” substitute “Crown Representative” and the words “Central Government” shall stand unmodified.

(8) In section 45 after “any Court” insert “situate in British India or”; and the words “Central Government” shall stand unmodified.

(9) In clause (a) of section 78 the words “Central Government” shall stand unmodified, and for clause (b) substitute—

“(b) Courts situate in British India or in any other part of the British Empire”.

(10) Sections 79 and 80 shall stand unmodified.

(11) In subsection (1) of section 85 for "Government" substitute "Crown Representative" and omit the Explanation.

FIRST SCHEDULE.

(12) At the end of rule 25 of Order V add—

"Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service."

(13) The provisions of rule 48 of Order XXI shall apply only to those cases in which the salary or allowances are payable in the Civil and Military Station of Bangalore.

(14) In rule 49 of Order XXI the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.

(15) Rule 8B of Order XXVII shall stand unmodified.

62. The Explosive Substances Act, 1908 (VI of 1908).

(1) Omit subsection (2) of section 1.

(2) In section 4 for "British India" substitute "India".

(3) In section 7 for "Central Government" substitute "Resident".

63. The Indian Limitation Act, 1908 (IX of 1908).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 13 for the words "and from" substitute "the Mysore State and"; but, save as aforesaid, the section shall stand unmodified.

(3) Article 149 of the First Schedule shall stand unmodified.

64. The Indian Criminal Law Amendment Act, 1908 (XIV of 1908).

Omit subsection (2) of section 1.

65. The Indian Registration Act, 1908 (XVI of 1908).

(1) Omit subsection (3) of section 1.

(2) In subsection (1) of section 33 after the words "power-of-attorney resides" in clause (a) and after "does not reside" in clause (c) insert

"in the Civil and Military Station of Bangalore or"; but, save as aforesaid the subsection shall stand unmodified.

(3) Omit section 67.

66. The Whipping Act, 1909 (IV of 1909).

(1) Omit subsection (2) of section 1.

(2) In section 5 for "Provincial Government" substitute "Crown Representative".

(3) Omit section 6.

67. The Indian Electricity Act, 1910 (IX of 1910).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 32 for "Central Government" substitute "Resident".

(3) In subsection (1) of section 35 omit the words from "and each Provincial Government" to "the Province"; and in subsection (2) the words "or the Provincial Government, as the case may be".

(4) In section 36 omit the words "in relation to mines, oil-fields and railways" in subsection (1), the whole of subsection (2) and the words "or the Provincial Government, as the case may be" in subsection (3).

(5) Omit section 36A.

(6) In section 37 for "Central Electricity Board" substitute "Crown Representative".

(7) Omit subsections (1) and (2) of section 38.

68. The Prevention of Seditious Meetings Act, 1911 (X of 1911).

(1) Omit subsection (2) of section 1.

(2) In section 2 for "Provincial Government" substitute "Resident with the previous sanction of the Crown Representative".

(3) In sections 4 and 5 omit "or the Commissioner of Police, as the case may be".

(4) In section 7 omit "or of the Commissioner of Police as the case may be".

69. The Co-operative Societies Act, 1912 (II of 1912).

In subsection (2) of section 28 for "The Government" substitute "The Resident" and omit the last paragraph.

70. The Indian Lunacy Act, 1912 (IV of 1912).

(1) Omit subsection (2) of section 1.

(2) In clause (1) of section 3 for "any Government in British India" substitute "the Crown Representative in the Civil and Military Station of Bangalore or appointed by the Resident with the consent of the Mysore Durbar and with the sanction of the Crown Representative in the

Mysore State or established or licensed by any Government in British India".

(3) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.

(4) Omit section 17.

(5) In subsection (1) of section 31 for "Three" substitute "Two or more".

(6) In subsections (1) and (2) of section 35 for "any other Province" substitute "any Province in British India".

(7) The provisions of Chapter IV shall not be applicable except for the purposes of Chapter V.

(8) At the end of section 84 insert "or with the consent of the Mysore Durbar and with the sanction of the Crown Representative may appoint an asylum in the Mysore State".

(9) In section 85 after the words "class of lunatics" insert "to any asylum in the Mysore State appointed by the Resident under section 84 or"; and for the words "other Province" substitute "British Indian Province".

(10) Omit subsection (2) of section 89A and section 89B.

(11) In clause (a) of section 91(1) omit all words after "under this Act".

(12) In section 98 the words "Central Government" shall stand unmodified.

71. The Provident Insurance Societies Act, 1912 (V of 1912).

(1) Omit subsection (2) of section 1.

(2) In sections 2, 24 and 26 for "Central Government" substitute "Resident".

72. The Indian Life Assurance Companies Act, 1912 (VI of 1912).

(1) Omit subsection (2) of section 1.

(2) In clause (9) of section 2 for "Central Government" substitute "Resident".

73. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).

Omit subsection (2) of section 1.

74. The Official Trustees
Act, 1913 (II of 1913).

- (1) In section 1—
 - (i) for subsection (2) substitute :

“(2) It extends to the Civil and Military Station of Bangalore and applies only to persons who are not subjects of His Majesty”; and
 - (ii) omit subsection (3).
- (2) In section 2 for clauses (1), (2) and (3) substitute :
 - “(1) ‘Government’ means the Resident ;
 - (2) ‘High Court’ means His Majesty’s High Court of Judicature at Madras, in the exercise of its original jurisdiction :
 - (3) ‘Division’ means the Civil and Military Station of Bangalore :”
- (3) In section 4—
 - (i) for subsection (1) substitute :

“(1) the Government shall appoint an Official Trustee for the Division”; and
 - (ii) In subsection (2) omit clause (d).
 - (4) Omit the proviso to subsection (2) of section 24 and section 32A.

.....

75. The Mussalman
Wakf Validating Act,
1913 (VI of 1913).

76. The Indian Com-
panies Act, 1913 (VII of
1913).

- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 144—
 - (i) the words “Central Government” in subsection (1) shall stand unmodified.
 - (ii) omit subsections (2) and (2A); and
 - (iii) in subsection (2B) after “this section” insert “as in force in British India”.
- (2A) In section 200 after the words “by a Court” insert “in British India”; for the words “any place in British India other than that in which such court is situate” substitute “the Civil and Military Station of Bangalore”; and for the words “at such other place” substitute “at the said Station”.
- (3) In subsection (1) of section 245 the words “British India” shall be read as referring to British India and the Civil and Military Station of Bangalore; and the words “Central Government” shall stand unmodified.
- (4) Omit section 289A.

(5) All references to the Central Government, except in sections 144(1) and 245, shall be read as referring to the Resident.

Omit subsection (2) of section 1.

77. The Indian Copyright Act, 1914 (III of 1914).

78. The Indian Motor Vehicles Act, 1914 (VIII of 1914).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 6 for "by the Provincial Government" substitute "under section 11".

(3) In section 9 for "such area as may be specified therein" substitute "the Civil and Military Station of Bangalore"; and omit the proviso.

(4) In subsection (2) of section 10 for "such area as may be specified in the certificate of registration" substitute "the Civil and Military Station of Bangalore"; and omit the proviso.

(5) In section 11—

(i) in subsection (1) omit "The Provincial Government"; and after "publication" insert "and to confirmation by the Resident, the Municipal Commission of the Civil and Military Station of Bangalore";

(ii) in subsection (2) for "Provincial Government" substitute "Municipal Commission";

(iii) in subsection (3) after "this section shall" insert "when confirmed by the Resident"; and

(iv) after subsection (3) add the following:

"(4) The Resident may at any time rescind any rule made and confirmed under this section".

(6) In section 12 omit "by the Provincial Government".

(7) In section 14 omit "for the purpose of implementing any international convention relating to motor traffic".

(8) In section 15 omit "by the Provincial Government".

(9) In section 17 omit "a Presidency Magistrate or".

(10) After section 18 insert:

"19. *Income and Expenditure.*—The amount of any fees received and the amount of any expense incurred in giving effect to this Act shall be credited and debited respectively to the Municipal Fund of the Civil and Military Station of Bangalore."

79. The Local Authorities Loans Act, 1914 (IX of 1914).
 (1) Omit subsection (2) of section 1 and the last paragraph of section 2.
 (2) For the words "appropriate Government" substitute in sections 3 and 6, "Crown Representative", and in sections 4 and 5, "Resident".
80. The Cinematograph Act, 1918 (II of 1918).
 Omit subsections (2) and (3) of section 1.
81. The Usurious Loans Act, 1918 (X of 1918).
 Omit subsection (2) of section 1.
82. The Poisons Act, 1919 (XII of 1919).
 (1) Omit subsection (2) of section 1.
 (2) In section 3 omit "across and customs frontier defined by the Central Government".
 (3) In section 8 omit "across a customs frontier defined by the Central Government".
83. The Provincial Insolvency Act, 1920 (V of 1920).
 Omit subsection (2) of section 1.
84. The Indian Securities Act, 1920 (X of 1920).
 (1) Omit subsections (2) and (3) of section 1.
 (2) Section 2 shall stand unmodified.
 (3) In sections 6, 7 and 9 for "the Government" substitute "the Crown Representative".
 (4) In subsection (2) of section 13 for "the Government" substitute "the Resident".
 (5) In subsection (1) of section 24 for "Government" substitute "Crown Representative".
85. The Identification of Prisoners Act, 1920 (XXXIII of 1920).
 Omit subsection (2) of section 1.
86. The Cutchi Memons Act, 1920 (XLVI of 1920).

87. The Auxiliary Force Act, 1920 (XLIX of 1920).
 Omit subsections (2) and (3) of section 1.
88. The Maintenance Orders Enforcement Act, 1921 (XVIII of 1921).
 (1) Omit subsection (2) of section 1.
 (2) In section 3, the words "British India" shall stand unmodified.
 (3) In section 10, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.
89. The Indian States (Protection against Disaffection) Act, 1922.
 Omit subsection (2) of section 1.

90. The Indian Income-tax Act, 1922 (XI of 1922).

(1) Omit subsections (2) and (3) of section 1.
(2) In clause (8) of section 2 for "Central Government" substitute "Resident".

(3) Omit sections 7(2), 46(6) and 64.

(4) After section 60 insert the following new section:—

"60A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the official Gazette, apply to the Civil and Military Station of Bangalore any rules under section 59 and any exemptions, reductions in rate or other modifications under section 60 of the Indian Income-tax Act, 1922, for the time being in force in British India subject to any amendments to which such rules, exemptions, reductions or modifications are for the time being subject in British India and with such modifications or restrictions as may be specified in the notifications, and any rules, exemptions, reductions or modifications so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act".

(5) For subsection (8) of section 60 substitute:—

"(8) For the purposes of this section 'the High Court' means the High Court of Judicature at Madras."

91. The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).

Omit subsections (2) and (3) of section 1.

92. The Indian Boilers Act, 1923 (V of 1923).

(1) Omit subsections (2) and (3) of section 1.

(2) After section 31 insert the following new section:—

"31A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the official Gazette, apply to the Civil and Military Station of Bangalore any regulations under section 28 of the Indian Boilers Act, 1923, for the time being in force in any part of British India subject to any amendments to which such regulations are for the time being subject therein, and with such modifications and restrictions as may be specified in the notifications, and any regulations so applied shall have effect in the said Civil and Military Station as if made under this Act".

93. The Workmen's Compensation Act, 1923 (VIII of 1923).

(1) Omit subsections (2) and (3) of section 1.

(2) In clause (i) of subsection (1) of section 2 the words "British India" shall stand unmodified.

94. The Indian Official Secrets Act, 1923 (XIX of 1923).

(1) Omit subsection (2) of section 1.

(2) In section 2, clause (1A) shall stand unmodified.

(3) In section 13 for the words "appropriate Government", in subsection (1), substitute "Resident", and for the same words in subsection (3) substitute "Crown Representative"; and omit subsection (5).

95. The Criminal Tribes Act, 1924 (VI of 1924).

.....

96. The Indian Soldiers' (Litigation) Act, 1925 (IV of 1925).

(1) Omit subsections (2) and (3) of section 1.

(2) In section 13 for "Central Government" substitute "Resident"; and omit "after consulting the High Court concerned".

(3) In section 14 omit from the beginning to "in other cases".

97. The Provident Funds Act, 1925 (XIX of 1925).

(1) Omit subsections (2) and (3) of section 1.

(2) In subsections (1), (2) and (3) of section 8 for "appropriate Government" substitute "Crown Representative" and omit subsection (4).

98. The Indian Succession Act, 1925 (XXXIX of 1925).

(1) Omit section 57, in section 58, the words "save as provided by section 57", subsection (2) of section 264 and Schedule III.

(1A) In the proviso to section 273 after the word "granted" insert "under the Act as in force in British India or under the Act as applied to any area under the administration of the Crown Representative"; for the words "beyond the limits of the Province" substitute "in the Civil and Military Station of Bangalore"; and for the words "have like effect throughout the whole of British India" substitute "have the same effect as grants made under this Act".

(2) For section 382 substitute—

"382. Where a certificate in the form of Schedule VIII has been granted under the provisions of this Act by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Crown Representative, or where a certificate in the form, as nearly as circumstances admit, of

the said schedule has been granted to a resident within a foreign State by the British representative accredited to that State or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act".

99. The Government Trading Taxation Act, 1926 (III of 1926).

(1) Omit subsection (2) of section 1.

(2) In subsection (3) of section 2 after "territory" insert "other than the Mysore State."

100. The Indian Insurance Companies Act, 1928 (XX of 1928).

Omit subsections (2) and (3) of section 1.

101. The Trade Disputes Act, 1929 (VII of 1929).

(1) Omit subsections (2) and (3) of section 1.

(2) In clause (c) of section 2 for "any Government in British India" substitute "the Crown Representative" and in sub-clause (i) of clause (g) omit the words "in the case of a federal railway" and the words "and in the case of any other railway, the Provincial Government".

(3) In section 3 omit the words from "or where the employer" to "a federal railway, the Central Government" and the words "or the Central Government, as the case may be".

(4) In section 8 omit "of the Central Government or".

(5) In subsection (4) of section 15 for the words from "Central Government" to the end insert "Resident".

(6) Section 16 shall stand unmodified.

(7) For subsection (2) of section 17 substitute:—

"(2) No court shall take cognizance of any offence under this Act save on complaint made by, or under the authority from the Resident."

(8) For subsection (1) of section 19 substitute:

"(1) The Resident may make rules for the purpose of giving effect to the provisions of this Act."

102. The Child Marriage Restraint Act, 1929 (XIX of 1929).

Omit subsections (2) and (3) of section 1.

103. The Dangerous Drugs Act, 1930 (II of 1930).

(1) Omit subsections (2) and (3) of section 1.

(2) For clauses (i) to (m) of section 2, the following clauses shall be substituted—

“(i) ‘to import into the Civil and Military Station of Bangalore’ means subject to the provisions of clause (j) to bring into the Civil and Military Station of Bangalore by land, sea or air;

“(j) ‘to import inter-provincially’ means to bring into the Civil and Military Station of Bangalore from any province of British India and includes—

(i) the bringing of a dangerous drug into the Civil and Military Station of Bangalore from any Indian State which the Crown Representative may, by notification in the official Gazette, declare to be inter-provincial import; and

(ii) bringing into the Civil and Military Station of Bangalore from any province of British India in the course of a continuous journey, by sea or through an Indian State;

(k) ‘to export from the Civil and Military Station of Bangalore’ means subject to the provisions of clause (l), to take out of the Civil and Military Station of Bangalore by land, sea or air;

(l) ‘to export inter-provincially’ means to take out of the Civil and Military Station of Bangalore into any province of British India and includes—

(i) the taking of a dangerous drug out of the Civil and Military Station of Bangalore into any Indian State which the Crown Representative, may by notification in the official Gazette, declare to be inter-provincial export; and

(ii) taking out of the Civil and Military Station of Bangalore into any province of British India in the course of a continuous journey by sea or through an Indian State; and

(m) ‘to transport’ means to take from one place to another in the Civil and Military Station of Bangalore.”

(3) In subsection (2) of section 8 for the words "Provincial Government", where they occur for the first time, substitute "Resident subject to the control of the Crown Representative".

(4) In section 31 for "appropriate Government" substitute "Resident", and omit the second sentence.

(5) In section 35 omit the words from the beginning to "with other offences".

103A. The Indian Sale of Goods Act, 1930 (III of 1930).

Omit subsections (2) and (3) of section 1.

104. The Indian Companies (Amendment) Act, 1930 (XIX of 1930).

(1) Omit subsection (2) of section 1.

(2) For section 3 substitute :—

"3. (1) Persons holding restricted certificates granted by any Provincial Government in British India before the 1st April 1932 entitling them to act as auditors within that Province may act as auditors in the Civil and Military Station of Bangalore on such conditions as may be prescribed by the Crown Representative in rules made by notification in the Official Gazette and after previous publication.

(2) Notwithstanding anything contained in subsection (1), the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules made under section 3 of the Indian Companies Amendment Act, 1930, for the time being in force in any part of British India, subject to any amendments to which such rules are for the time being subject therein and to such modifications or restrictions as may be specified in the notification, and any rules so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act."

105. The Indian Press (Emergency) Powers Act 1931 (XXIII of 1931).

(1) Omit subsection (2) of section 1.

(2) For clause (3) of section 2 substitute "(3) 'High Court' means the High Court of Judicature at Madras".

106. The Indian Partnership Act, 1932 (IX of 1932).

(1) Omit subsections (2) and (3) of section 1.

(2) In subsection (1) of section 71 for "Provincial Government" substitute "Crown Representative"; in subsection (2) omit "also"; and in subsection (3) for "this section" substitute "subsection (2)".

107. The Reserve Bank of India Act, 1934 (II of 1934).

Only sections 26 (1), 31 and 32 shall be applicable subject to the following modifications:—

- (i) in subsection (1) of section 26 omit the words "subject to the provisions of subsection (2)", and the words "and shall be guaranteed by the Central Government";
- (ii) in section 31 omit "as expressly authorized by this Act"; and
- (iii) in section 32 for "the Bank" substitute "a person empowered in this behalf by the Resident with the sanction of the Crown Representative".

107A. The Indian States (Protection) Act, 1934 (XI of 1934).

- (1) Omit subsections (2) and (3) of section 1.
- (2) In section 7 for the words "The Central Government, if the offence is committed outside British India, and the Provincial Government in other cases" substitute "The Crown Representative or the Resident".

108. The Sugar (Excise Duty) Act, 1934 (XIV of 1934).

- (1) Omit subsection (2) of section 1.
- (2) In subsection (1) of section 3 omit the words "on or after the first day of April, 1934" and the words "on or after the said date".

(3) For section 6 substitute—

"6. The Crown Representative may, by notification in the Official Gazette, prohibit absolutely or with such exceptions, as he thinks fit, the bringing of sugar into the Civil and Military Station of Bangalore from the territory of any specified Indian State."

(4) After section 7 insert the following new section:—

"7A. (1) Whoever, in contravention of any notification issued under section 6, imports or attempts to import sugar into the Civil and Military Station of Bangalore shall be punished with imprisonment, which may extend to six months, or with fine, which may extend to four times the amount of duty which would be payable on the sugar if it were liable to duty in the Civil and Military Station of Bangalore or to one thousand rupees whichever is greater or with both imprisonment and fine.

- (2) Whoever abets an offence, punishable under subsection (1) shall, whether such offence is or is not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence."

(5) Omit section 10.

(6) After section 11 insert the following new section :—

"12. Notwithstanding anything contained in sections 5 and 11, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Sugar (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

109. The Matches (Excise Duty) Act, 1934 (XVI of 1934).

(1) In the preamble omit "and to alter the duty or customs leviable on matches under the Indian Tariff Act, 1894".

(2) Omit subsection (2) of section 1.

(3) In section 3 omit "on or after the first day of April, 1934".

(4) In section 8 omit in subsection (1) the words from the beginning to "in the notification" and the words "manufactured after the date of issue of the notification"; and in subsection (2) the words from the beginning to "in the notification".

(5) In section 9 omit the words from the beginning to "in this behalf".

(6) In subsections (1) and (2) of section 12 omit "any direction made under".

(7) Omit sections 16 and 17.

(8) After section 19 insert the following new section :—

“19A. Notwithstanding anything contained in sections 6, 8, 9, 18 and 19, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Matches (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act.”

110. The Indian Carriage by Air Act, 1934 (XX of 1934).

Omit subsections (2) and (3) of section 1.

111. The Indian Aircraft Act, 1934 (XXII of 1934).

(1) Omit subsection (2) of section 1.

(2) For clauses (3) and (4) of section 2 substitute—

“(3) ‘import’ means bringing into the Civil and Military Station of Bangalore from a place outside British India; and,

(4) ‘export’ means taking out of the Civil and Military Station of Bangalore to a place outside British India”.

(3) After section 7 insert the following new section :—

“7A. Notwithstanding anything contained in sections 4, 5, 7 and 8, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules under the Indian Aircraft Act, 1934, for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India, and with such modifications or restrictions as may be specified in the notification; and any rule, so applied, shall have effect in the said Civil and Military Station as if made under this Act.”

112. The Mechanical Lighters (Excise Duty) Act, 1934 (XXIII of 1934).

(4) Omit sections 9, 15 and 19(2).

(1) In the preamble omit "and to alter the duty or customs leviable on mechanical lighters under the Indian Tariff Act, 1894".

(2) Omit subsection (2) of section 1.

(3) In section 7 omit the words from the beginning to "in this behalf".

(4) Omit sections 13 and 14.

(5) After section 15 insert the following new section:—

"15A. Notwithstanding anything contained in sections 5, 11 and 15, the Crown Representative may, by notification in the Official Gazette, declare that any rules, orders or notifications under the Mechanical Lighters (Excise Duty) Act, 1934, for the time being in force in British India shall, subject to any amendments to which such rules, orders or notifications are for the time being subject in British India and to such further modifications and restrictions as may be specified in the said notification, apply to the Civil and Military Station of Bangalore; and any rules, orders or notifications so applied shall have effect within the Civil and Military Station of Bangalore as if made under this Act."

f 33-27 ... m - ... Act.

(1) Omit subsections (2) and (3) of section 1.

(3). After section 29 insert the following new section:—
"29A. Notwithstanding anything contained in this Act, the Crown Representative may, by notification in the Official Gazette, apply to the Civil and Military Station of Bangalore any rules under this Act which are for the time being in force in British India, subject to any amendments to which such rules are for the time being subject in British India with such modifications as may be specified in the notifications, and any rules so applied shall have effect in the said Station as if made under this Act."

Station of Bangalore and applies only to persons who are not subjects of His Majesty.", and

(ii) omit subsection (3).

(2) For clause (2) of section 2 substitute—

“(2) ‘Court’ means the Parsi Chief Matrimonial Court at Madras, as constituted under the Parsi Marriage and Divorce Act, 1936, as in force in British India.”

(3) For section 7 substitute—

“7. For the purposes of this Act, a Registrar shall be appointed by the Resident and every Registrar, so appointed, may be removed by the Resident.

(4) Omit sections 18 to 27.

(5) The references to the High Court in sections 47 and 51 shall be read as referring to the High Court of Judicature at Madras.

116. The Payment of Wages Act, 1936 (IV of 1936).

Regulations.

1. The Bengal State Prisoners Regulation, 1818 (III of 1818).

(1) All references to “Government” or the “Provincial Government” shall be read as referring to the Crown Representative.

(2) For the second and third paragraphs of section 2, substitute:—

‘*Second.*—The warrant of commitment shall be in the following form:—

“To the (*here insert the officer's designation*) whereas His Excellency the Crown Representative, for good and sufficient reasons, has seen fit to determine that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby required and commanded, in pursuance of that determination, to receive the person abovenamed in your custody, and to deal with him in conformity to the orders of His Excellency the Crown Representative and the provisions of the Bengal State Prisoners Regulation, 1818 (III of 1818), as applied to the Civil and Military Station of Bangalore.”

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any Jail or other place in the Civil and Military Station of Bangalore.

(3) Omit section 7A, section 12 and the Appendix.

(4) In section 9 for the words "Sadr Diwani Adalat and Nizamiat Adalat" substitute "Court of the Resident".

2. The Excise Regulation, 1915 (I of 1915).

(1) Omit sub-sections (2) and (3) of section 1.

(2) In section 2 omit the proviso to clause (19).

Acts of the Provincial Legislatures.

1. The Madras Revenue Summonses Act, 1869 (Madras Act III of 1869).

For the word "Tahsildars" wherever it occurs, substitute "Amildars".

2. The Places of Public Resort Act, 1888 (Madras Act II of 1888).

(1) Omit subsection (3) of section 1.

(2) At the end of section 3 insert—

"Provided that the Resident may, by order, exempt from the operation of this section any such enclosed place or building either generally or with reference to its use for any particular entertainment or class of entertainment".

(3) For section (5) substitute—

"5. Such application shall be made to the District Magistrate."

(4) In section 6 for "shall inspect" substitute "may inspect".

(5) Omit the second sentence of section 14.

3. The Madras Medical Registration Act, 1914 (Madras Act IV of 1914).

(1) Only sections 4 and 23 shall apply.

(2) For the purposes of the said Station, a registered practitioner means a practitioner registered under the Madras Medical Registration Act, 1914.

4. The Madras Children Act, 1920 (Madras Act IV of 1920).

(1) For section 6 substitute—

"6. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any State in India, provide for the reception, detention and training of youthful offenders and children belonging to the Civil and Military Station of Bangalore in the certified schools established and maintained in such Province or State and may transfer such youthful offenders and children from one such school to another."

(2) Omit sections 7 to 16, 32, 33, 43, and clauses (a) to (e), (g) to (i) and (n) of subsection (2) of section 44.

5. The Madras Court Fees (Amendment) Act, 1922 (Madras Act V of 1922).

"In section 4 omit "under section 14 of the Religious Endowments Act, 1863 or".

6. The Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

(1) In section 4 for the figures "1922" where they occur for the second time; substitute the figures "1923".

(2) In section 7, the words "British India" shall stand unmodified; for "in the said Presidency" substitute "in the Civil and Military Station of Bangalore", and omit "other than the Presidency of Madras".

~~7. The Madras Borstal Schools Act, 1925 (Madras Act V of 1926).~~

(1) For section 3 substitute—

"3. The Resident may, by arrangements made with the Provincial Government of any Province in British India or the Government of any Indian State, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established or maintained in any such Province or State and may remove an inmate from one such school to another, provided that the whole period of his detention in the Borstal School shall not be increased by such removal."

(2) Omit subsection (3) of section 2, clauses (a) to (d) of subsection (2) and subsection (4) of section 4, sections 5, 10, 13, 15, 16, 17, the second paragraph of section 20 and section 21.

B. J. GLANCY,

Secy. to H.E. the Crown Representative.

1-A. The European Vagrancy Act, 1874
IX of 1874).

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- (1) Nothing in the Act, as applied, shall be deemed to apply to British subjects.
- (2) Omit—
 - (a) second and third paragraphs of section 1,
 - (b) section 2,
 - (c) in section 3, the definitions of "the appropriate Government" and "master of a ship", and the words "within the limits of the towns of Calcutta, Madras and Bombay, a Magistrate of Police and, outside those limits" in the definition of "Magistrate",
 - (d) in section 4, the words "within the limits of the towns of Calcutta, Madras and Bombay", and the words "of Police and may, without those limits, require any such person to accompany him or any other police-officer to, and to appear before, the nearest magistrate",
 - (e) in sections 5, 7, 8, 9, 24 and 29, the words "Magistrate of Police or",
 - (f) in section 6, the brackets and words "(when the vagrant is in any Indian State)",
 - (g) sections 25, 30 and 33,
 - (h) in section 35, the proviso, and
 - (i) in section 36, the words "and any Provincial Government, as respects matters with which they are respectively concerned".
- (3) In section 5, after the word "work-house" where it occurs for the first time insert the words "in the Civil and Military Station of Bangalore or in British India".
- (4) In section 6, after the words "Provincial Government" where they occur for the second time insert the words "in British India or to the Government of Mysore".
- (5) In section 10, for the words "any District Superintendent of Police or Assistant District Superintendent of Police" substitute the words "the Commissioner of Police".
- (6) In section 16, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.
- (7) In sections 17, 31 and 32, the words "British India" shall stand unmodified.
- (8) In the second Schedule, for the words and brackets "Governor General in Council (or, after the establishment of the Federation, the Governor-General of India)" wherever they occur substitute the words "Crown Representative".
- (9) All references to the appropriate government shall be read as referring to the Resident.